**Drug and Alcohol Abuse Policy**

In accordance with the Drug-Free Workplace Act of 1988 (P.L. 100-690), the Drug-Free Schools and Communities Act of 1989 (P.L. 101-226) and 34 Code of Federal Regulation Part 85, Subpart F, this institution is committed to maintaining a drug-free workplace and a drug-free school. Drug and alcohol abuse can lead to liver, heart and other chronic diseases, low birth weight, birth defects and infant mortality in expectant mothers, and death. The unlawful manufacture, distribution, dispensing, possession or use of drugs, alcohol or other controlled substances at this institution is strictly prohibited. Students and employees are required, as a condition of enrollment and/or employment, to abide by this policy.

To the extent allowed by local, state and federal laws, this institution will impose disciplinary action against students and employees for violating these standards of conduct. These actions may include suspension, expulsion, and termination of employment, referral for prosecution and/or required completion of a drug or alcohol rehabilitation or similar program.

This institution, as required by federal regulation (34 CFR 85.635 and Appendix C), will report all employees convicted of a criminal drug offense occurring in the workplace to the U.S. Department of Education. Consistent with these same regulations, employees, as a condition of employment, are required to provide written notice to this institution of their conviction for a criminal drug offense occurring at the workplace within five (5) days after that conviction. In addition, students receiving Title IV Funds who are convicted of a criminal drug offense during the period of enrollment for which the Title IV funds was awarded are required by federal regulation to report that conviction in writing to the:

**Director of Grants and Services**

**United States Department of Education**

**400 Maryland Avenue SW.**

**Room 3124, GSA Regional Office Bldg. #3**

**Washington, DC 20202-4571**

The report must be made within 10 days after the conviction.

In addition to institutional sanctions, students and employees convicted of the unlawful possession or distribution of illicit drugs or alcohol could face local, state and federal legal penalties which include the loss of eligibility for federal financial aid, fines, imprisonment and the seizure of drug related assets.

Drug awareness programs, counseling, treatment, rehabilitation and other related services are available on an ongoing basis to students and employees of this institution through some local centers which includes:

|  |  |
| --- | --- |
| Alethia House |  **205-279-3999** |
|  Bradford Health Services | **888-577-0012** |
| Tri-County Treatment Center | **205-836-3345** |
| JCCEO Community Substance Abuse Prevention Program | **205-428-7362** |

In addition to institutional sanctions, students and employees convicted of the unlawful possession or distribution of illicit drugs or alcohol could face local, state and federal legal penalties which include the loss of eligibility for federal financial aid, fines, imprisonment and the seizure of drug related assets.

Drug awareness programs, counseling, treatment, rehabilitation and other related services are available on an ongoing basis to students and employees of this institution through:

**Drug Testing Policy**

The college maintains a drug-free educational environment and requires all students to remain free of the unlawful and/or inappropriate use of controlled or illegal substances while enrolled as a student. Students will be held accountable for consuming illegal substances, regardless of state/local laws in the location where the substance was ingested. A student is subject to testing to show proof of a physical condition free from the unlawful and/or inappropriate use of controlled or illegal substances or the use of prescription medication for which the student does not have a valid prescription or which a student is using in a manner inconsistent with a physician's directions. Drug testing (at the college's expense) will be required whenever the Owner/Founder, or his/her designed representative, suspect or have reason to believe that a student might be engaging in the unlawful and/or inappropriate use of a controlled or illegal substance, or the inappropriate use or abuse of a prescription medication, whether on or off campus.

**Reasonable grounds for requiring a student to submit to a drug test may include, but are not limited to, the following:**

Incoherent communication or inexplicable behavior.

A pattern of tardiness and/or absenteeism from class.

Suspicious odors on person, clothing, and/or other property.

Sudden, inexplicable decline in academic performance.

Possession of drug paraphernalia.

Prior positive drug test results.

Arrest, citation, or conviction for a substance-related offense by college or public law enforcement authorities.

Observation of substance use or physical symptoms or manifestations of impairment, incoherency, or erratic, inexplicable conduct.

A report of substance abuse or use provided by a reliable and credible source.

A student, who refuses to submit to a request for drug testing from an authorized school official, refuses to authorize the release of test results to the school, or tampers with a drug test sample will be disciplined up to and including dismissal from the school. A positive drug test that confirms that a student has engaged in the unlawful or inappropriate use and/or abuse of controlled or illegal substances, or inappropriate use or abuse of a prescription medication, whether on or off campus, will result in disciplinary action including, but not limited to, suspension or dismissal from the school.

Drug Testing Centers.

|  |  |
| --- | --- |
| Employer Drug Program Mgt | 205-326-3100 |
| TASC Treatment Alternatives | 205-917-3780 |

Students and employees seeking assistance in overcoming a drug or alcohol related problems are encouraged to contact these organizations.

This institution continues to make a good faith effort to provide a school and workplace free from the illicit use, possession or distribution of drugs and alcohol.

Midfield Institute of Cosmetology Inc. will review our Drug Policies Bi-Annually to ensure they adhere to the Local and State Sanctions.

Jefferson County Alabama’s District Attorney uses the “Drug Court” for Drug Offenders. The Sanctions are defined below.

# 2013 Code of AlabamaTitle 12 - COURTS.Chapter 23A - ALABAMA DRUG OFFENDER ACCOUNTABILITY ACT.Section 12-23A-4 - Establishment of drug court; participation; incentives and sanctions; components; drug court team and advisory committee; coordinator.

**Universal Citation:**[AL Code § 12-23A-4 (2013)](http://law.justia.com/citations.html) Section 12-23A-4

 (a)(1) The presiding judge of each judicial circuit, with the consent of the district attorney of that judicial circuit, may establish a drug court or courts, under which drug offenders shall be processed, to appropriately address the identified substance abuse problem of the drug offender as a condition of pretrial release, pretrial diversion, probation, jail, prison, parole, community corrections, or other release or diversion from a correctional facility. The structure, method, and operation of each drug court may differ and should be based upon the specific needs of and resources available to the judicial district or circuit where the drug court is located, but shall be created and operate pursuant to this chapter and in compliance with rules promulgated by the Alabama Supreme Court.

(2) Nothing in this chapter shall affect the authority of the district attorney to establish a deferred prosecution program or a pretrial diversion program within his or her judicial circuit or affect his or her ability to nolle prosse a particular case. Notwithstanding the foregoing, all drug courts shall comply with this chapter and rules promulgated by the Alabama Supreme Court.

(b) Participation in drug court shall require the consent of the district attorney and the court and shall be pursuant to a written agreement. A drug offender may participate in a pre-adjudication, post-adjudication, reentry, probation violation, or combination program.

(c) The court may grant reasonable incentives under the written agreement if the court finds that the drug offender:

(1) Is performing satisfactorily in drug court.

(2) Is benefiting from education, treatment, and rehabilitation.

(3) Has not engaged in criminal conduct.

(4) Has not violated the terms and conditions of the agreement.

(d) The court may impose reasonable sanctions under the written agreement or may incarcerate or expel the offender from the program if the court finds that the drug offender:

(1) Is not performing satisfactorily in drug court.

(2) Is not benefiting from education, treatment, or rehabilitation.

(3) Has engaged in conduct rendering him or her unsuitable for the program.

(4) Has otherwise violated the terms and conditions of the agreement.

(5) Is for any reason unable to participate.

(e) Upon successful completion of drug court, a drug offender's case shall be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the drug court. This may include, but is not limited to, withholding criminal charges, nolle prosse of charges recommended by the district attorney, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration. Records of all such dispositions shall be maintained and be available to judges and prosecutors statewide. This provision shall not authorize the disclosure of youthful offender or juvenile records to the general public.

(f) Drug courts shall include all of the following ten key components, as defined by the United States Department of Justice, and the drug court team shall act to ensure compliance with each of the components:

(1) Integration of drug, alcohol, and other drug treatment or educational services with justice system case processing.

(2) Use of a non-adversarial approach, with prosecution and defense counsel promoting public safety while protecting the due process rights of drug offenders participating in the program.

(3) Early identification of drug offenders eligible to participate and prompt placement in the drug court program.

(4) Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

(5) Monitoring of abstinence by frequent alcohol and other drug testing.

(6) Adoption and implementation of a coordinated strategy which governs drug court responses to the compliance of drug offenders participating in the program.

(7) Ongoing judicial interaction with each drug court of drug offenders participating in the program.

(8) Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.

(9) Continuing interdisciplinary education to promote effective drug court planning, implementation, and operations.

(10) Forging partnerships among drug courts, public agencies, and community-based organizations to generate local support and enhance drug court effectiveness.

(g) Cases handled pursuant to this chapter shall be calendared on dedicated dockets, set aside from other criminal cases.

(h) Each local jurisdiction that intends to establish a drug court, or continue the operation of an existing drug court, shall establish a local drug court team and may also establish a local drug court advisory committee.

(i) The drug court team, when practicable, shall conduct a staff meeting prior to each drug court session to discuss and provide updated information regarding drug offenders. After determining their progress, or lack thereof, the drug court team shall agree on the appropriate incentive or sanction to be applied. If the drug court team cannot agree on the appropriate action, the court shall make the decision based on information presented in the staff meeting. Nothing in this chapter shall prohibit the authority of the district attorney to file a petition to remove the drug offender from the drug court program for good cause shown.

(j) Nothing contained in this chapter shall confer a right, or an expectation of a right, to participate in drug court, nor does it obligate the drug court to accept every drug offender. Neither the establishment of any drug court nor anything in this chapter shall be construed as limiting the discretion of the district attorney. Each drug court judge may establish rules and may make special orders and rules, as necessary, that do not conflict with this chapter or rules promulgated by the Alabama Supreme Court.

(k) A drug court coordinator shall be responsible for the general administration of drug court.

#### *(l) Any agency charged with supervising a drug offender under drug court jurisdiction shall timely forward information to the drug court concerning the progress and compliance of the drug offender with any court imposed terms and conditions. (Act 2010-754, p. 1909, §4.)*

**Federal Sanctions & Laws**

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans or for participation in federally sponsored research grants or contracts for up to one year after the first conviction, and up to five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third.\*

Under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty, i.e., a mandatory one-year prison term; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

\*In accordance with the requirements of the Drug-Free Workplace Act of 1988, as a condition of employment, any employee who is engaged in the performance of work under a federal grant or contract must notify the University if he or she is convicted of violating any criminal drug statute for activities done in the workplace not later than 10 days after conviction; students who receive Pell and certain other federal grants are subject to similar conditions and must report any conviction of a drug-related offense to the US Department of Education within 10 days of the conviction if the offense occurred during the period covered by the grant.

## **Federal Drug Laws**

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

**A. Denial of Federal Benefits
21 U.S.C. 862**
A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

**B. Forfeiture of Personal Property and Real Estate
21 U.S.C. 853**
Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

**C. Federal Drug Trafficking Penalties
21 U.S.C. 841**
Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to $8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

**D. Federal Drug Possession Penalties**
Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than $1,000 up to a maximum of $100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of $2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of $5,000.

|  |  |  |
| --- | --- | --- |
| **Substance** | **Amount** | **Penalty—First Conviction** |
| Heroin | 1 kg. or more | **Prison:** not less than 10 years, not more than life.**Fine:** up to $4 million. |
| Cocaine | 5 kg. or more |
| Crack Cocaine | 50 gm. or more |
| Methamphetamine | 100 gm. or more |
| PCP | 100 gm. or more |
| LSD | 10 gm. or more |
| Marijuana | 1,000 kg. or more |
| N-Phenyl-N-propanamide | 400 gm. or more |
| Heroin | 100–999 gm. | **Prison:** not less than 5 years, not more than 40 years.**Fine:** up to $2 million. |
| Cocaine | 500–4,999 gm. |
| Crack Cocaine | 5–49 gm. |
| Methamphetamine | 10–99 gm. |
| PCP | 10–99 gm. |
| LSD | 1–10 gm. |
| Marijuana | 100–1,000 kg. |
| N-Phenyl-N-propanamide | 40–399 gm. |
| Amphetamines | any amount | **Prison:** up to 3 years.**Fine:** up to $250,000. |
| Barbiturates | any amount |
| Marijuana | 50–100 kg. | **Prison:** up to 20 years.**Fine:** up to $1 million. |
| Hashish | 10–100 kg. |
| Hash Oil | 1–100 kg. |
| Flunitrazepan(Rohypnol, “roofies,” or “roaches”) | 1 gm. |
| Marijuana | less than 50 kg. | **Prison:**up to 5 years.**Fine:** up to $250,000. |
|  |  | **Prison:**up to 5 years.**Fine:** up to $250,000. |
| Hashish | less than 10 kg. |
| Hash Oil | less than 1 kg. |
| Flunitrazepan(Rohypnol, “roofies,” or “roaches”) | less than 30 mg. |

This institution continues to make a good faith effort to provide a school and workplace free from the illicit use, possession or distribution of drugs and alcohol.