



2020 DRUG ABUSE AND ALCOHOL PREVENTION PROGRAM

The Drug-Free Schools and Communities Act and Drug and Alcohol Abuse Prevention Regulation specifies that no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless the institution certifies to the Secretary that the institution has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. The Conservatory of Recording Arts & Sciences (CRAS) has implemented a drug abuse and alcohol prevention program and policies to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

CRAS is committed to providing a drug free environment. Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person and from usage to usage. Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems. The federal laws against drugs are divided into two categories: possession and distribution. The penalties are severe depending upon the type of drug, quantity of the drug, and any prior offenses. Possession will earn up to one year in prison and a \$5,000 fine. Distribution will earn up to life in prison and an \$8 million fine.

1. Policy Statements

a. Employees

CRAS requires that its employees refrain from the use of alcohol and illegal drugs, including marijuana, in the workplace or at any school events. Employees may not report to work with illegal drug (or their metabolites) or alcohol in their bodily system. The nature of the services that we provide as well as our school philosophy demands that there be strict adherence to this policy.

The unlawful manufacture, distribution, dispensation, possession, or use of drugs and alcohol is prohibited on all properties occupied by CRAS, including parking lots, and restrooms. This policy also extends to any site, which might be in use for an official school function such as, but not limited to, graduation, picnics, parties and other celebrations.

Illegal drugs are any drug that is not legally obtainable under state or federal law or that is legally obtainable but has been illegally obtained. This includes, but is not limited to, the following substances:

1. Narcotics – opium, heroin, morphine and synthetic substances
2. Depressants – chloral hydrate, barbiturates and methaqualone
3. Stimulants – cocaine and cocaine derivatives, amphetamines, and methamphetamines
4. Hallucinogens – LSD, mescaline, PCP, peyote psilocybin, MOMA, ketamine and ecstasy
5. Cannabis – marijuana and hashish. This includes the use to marijuana for medical purposes.
6. Inhalants – solvents, gases and nitrates

Employees who violate this policy will be subject to the following courses of action:

1. Counseling and/or;
2. Rehabilitation and/or;
3. Immediate termination.

In accordance with the College's policy as stated in the Employee Handbook, the College may require employees to submit to a drug or alcohol test if the College has reasonable suspicion that this policy has been violated.

b. Students

The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) requires CRAS to adopt and implement a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. CRAS prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students on CRAS's property or during any CRAS activity on or off campus. In addition to this, certain prescription medications that can alter one's ability to make critical thinking decisions are therefore prohibited. Questions on these medications can be directed to the Administrator for further clarification. If any student is suspected of drug or alcohol use or abuse, CRAS reserves the right to request drug/alcohol testing and/or counseling. In addition, actions up to and including termination of enrollment may ensue.

2. Legal Sanctions for possession or Distribution of illicit drugs and Alcohol

a. Federal

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

- 21 U.S.C. 844(a) 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

- 21 U.S.C.853 (a)(2) and 881(a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. (See special sentencing provisions re: crack.)

- 21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

- 21 U.S.C. 844a Civil fine of up to \$10,000 (pending adoption of final regulations.)

- 18 U.S.C. 922(g) Ineligible to receive or purchase a firearm. Miscellaneous Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc, are vested within the authorities of individual Federal agencies.

b. Arizona

In addition to the Federal laws, the State of Arizona has its own laws dealing with controlled substances.

On November 30, 2020, Proposition 207 was certified allowing Arizonans 21 years and older to legally possess up to one ounce of cannabis. However, Federal law does not allow possession, use or being under the influence of any drugs or alcohol on all properties occupied by CRAS. While waiting on additional guidance from the State of Arizona, we will continue to identify the Arizona Revised Statutes related to illegal drug use.

- ARS13-3405. Possession, use, production, sale or transportation of marijuana; classification
 - A. A person shall not knowingly:
 - 1. Possess or use marijuana.
 - 2. Possess marijuana for sale.
 - 3. Produce marijuana.
 - 4. Transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer marijuana.
 - B. A person who violates:
 - 1. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of less than two pounds is guilty of a class 6 felony.
 - 2. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of at least two pounds but less than four pounds is guilty of a class 5 felony.
 - 3. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of four pounds or more is guilty of a class 4 felony.
 - 4. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 4 felony.
 - 5. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 3 felony.
 - 6. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 2 felony.
 - 7. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 5 felony.
 - 8. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 4 felony.
 - 9. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 3 felony.
 - 10. Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 3 felony.
 - 11. Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of two pounds or more is guilty of a class 2 felony.

- C. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 5, 6, 8, 9 or 11 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.
- D. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of any provision of this section to pay a fine of not less than seven hundred fifty dollars or three times the value as determined by the court of the marijuana involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.
- E. A person who is convicted of a felony violation of any provision of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug or narcotic drug except as lawfully administered by a practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections as appropriate during the duration of the term of probation or before the expiration of the sentence imposed.
- F. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial is less than the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 4, 7 or 10 and who is granted probation by the court shall be ordered by the court that as a condition of probation the person perform not less than two hundred forty hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.
- G. If a person who is sentenced pursuant to subsection B, paragraph 1, 2 or 3 of this section is granted probation for a felony violation of this section, the court shall order that as a condition of probation the person perform not less than twenty-four hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.
- H. If a person is granted probation for a misdemeanor violation of this section, the court shall order as a condition of probation that the person attend eight hours of instruction on the nature and harmful effects of narcotic drugs, marijuana and other dangerous drugs on the human system, and on the laws related to the control of these substances, or perform twenty-four hours of community restitution.

- 13-3408. Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs; classification

A. A person shall not knowingly:

1. Possess or use a narcotic drug.
2. Possess a narcotic drug for sale.
3. Possess equipment or chemicals, or both, for the purpose of manufacturing a narcotic drug.
4. Manufacture a narcotic drug.
5. Administer a narcotic drug to another person.
6. Obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge.
7. Transport for sale, import into this state, offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer a narcotic drug.

B. A person who violates:

1. Subsection A, paragraph 1 of this section is guilty of a class 4 felony.
2. Subsection A, paragraph 2 of this section is guilty of a class 2 felony.
3. Subsection A, paragraph 3 of this section is guilty of a class 3 felony.
4. Subsection A, paragraph 4 of this section is guilty of a class 2 felony.
5. Subsection A, paragraph 5 of this section is guilty of a class 2 felony.
6. Subsection A, paragraph 6 of this section is guilty of a class 3 felony.
7. Subsection A, paragraph 7 of this section is guilty of a class 2 felony.

C. A person who is convicted of a violation of subsection A, paragraph 1, 3 or 6 of this section and who has not previously been convicted of any felony or who has not been sentenced pursuant to section 13-703, section 13-704, subsection A, B, C, D or E, section 13-706, subsection A, section 13-708, subsection D or any other provision of law making the convicted person ineligible for probation is eligible for probation.

D. If the aggregate amount of narcotic drugs involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is convicted of a violation of subsection A, paragraph 2, 5 or 7 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

E. A person who is convicted of a violation of subsection A, paragraph 4 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

F. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of this section to pay a fine of not less than two thousand dollars or three times the value as

determined by the court of the narcotic drugs involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.

G. A person who is convicted of a violation of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug, narcotic drug or prescription-only drug except as lawfully administered by a health care practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections, as appropriate, during the duration of the term of probation or before the expiration of the sentence imposed.

H. If a person who is convicted of a violation of this section is granted probation, the court shall order that as a condition of probation the person perform not less than three hundred sixty hours of community restitution with an agency or organization that provides counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

- 13-3415. Possession, manufacture, delivery and advertisement of drug paraphernalia; definitions; violation; classification; civil forfeiture; factors

A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug in violation of this chapter. Any person who violates this subsection is guilty of a class 6 felony.

B. It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug in violation of this chapter. Any person who violates this subsection is guilty of a class 6 felony.

C. It is unlawful for a person to place in a newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a class 6 felony.

D. All drug paraphernalia is subject to forfeiture pursuant to chapter 39 of this title. The failure to charge or acquittal of an owner or anyone in control of drug paraphernalia in violation of this chapter does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

E. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any drug.
3. The proximity of the object, in time and space, to a direct violation of this chapter.
4. The proximity of the object to drugs.
5. The existence of any residue of drugs on the object.
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning its use.

F. In this section, unless the context otherwise requires:

1. "Drug" means any narcotic drug, dangerous drug, marijuana or peyote.
2. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug in violation of this chapter. It includes:
 - (a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a drug or from which a drug can be derived.
 - (b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing drugs.
 - (c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a drug.
 - (d) Testing equipment used, intended for use or designed for use in identifying or analyzing the strength, effectiveness or purity of drugs.
 - (e) Scales and balances used, intended for use or designed for use in weighing or measuring drugs.

- (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting drugs.
- (g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding drugs.
- (i) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of drugs.
- (j) Containers and other objects used, intended for use or designed for use in storing or concealing drugs.
- (k) Hypodermic syringes needles and other objects used, intended for use or designed for use in parenterally injecting drugs into the human body.
- (l) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, a narcotic drug, a dangerous drug, hashish or hashish oil into the human body, such as:
 - (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (ii) Water pipes.
 - (iii) Carburetion tubes and devices.
 - (iv) Smoking and carburetion masks.
 - (v) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - (vi) Miniature cocaine spoons and cocaine vials. (vii) Chamber pipes.
 - (viii) Carburetor pipes.
 - (ix) Electric pipes.
 - (x) Air-driven pipes.
 - (xi) Chillums.
 - (xii) Bongs.
 - (xiii) Ice pipes or chillers.

- ARS 4-244. Unlawful acts

It is unlawful:

Except as provided in paragraphs 10 and 11 of this section, for a licensee or other person to sell, furnish, dispose of or give, or cause to be sold, furnished, disposed of or given, to a person under the legal drinking age or for a person under the legal drinking age to buy, receive, have in the person's possession or consume spirituous liquor. This paragraph shall not prohibit the employment by an off-sale retailer of persons who are at least sixteen years of age to check out, if supervised by a person on the premises who is at least nineteen years of age, package or carry merchandise, including spirituous liquor, in unbroken packages, for the convenience of the customer of the employer, if the employer sells primarily merchandise other than spirituous liquor.

- ARS 4-246. Violation; classification
 - A. A person violating any provision of this title is guilty of a class 2 misdemeanor unless another classification is prescribed.
 - B. A person violating section 4-244, paragraph 9, 14, 34, 42 or 44 is guilty of a class 1 misdemeanor.
 - C. A person violating sections 4-229, subsection B or 4-244, paragraph 31 is guilty of a class 3 misdemeanor.
 - D. In addition to any other penalty prescribed by law, the court may suspend the privilege to drive of a person under eighteen years of age for a period of up to one hundred eighty days on receiving the record of the person's first conviction for a violation of section 4-244, paragraph 9.
 - E. In addition to any other penalty prescribed by law, a person who is convicted of a violation of section 4-244, paragraph 42 shall pay a fine of not less than five hundred dollars.
 - F. In addition to any other penalty prescribed by law, a person who is convicted of a violation of section 4-241, subsection L, M or N shall pay a fine of not less than two hundred fifty dollars. Federal law holds that any person, who distributes, possesses with intent to distribute, or manufactures a controlled substance in, or within one thousand feet of an educational facility, is subject to a doubling of the applicable maximum punishments and fines. A similar state law carries sanctions of up to five years of imprisonment and up to \$100,000 fine for similar violations

3. Health Risks Associated with the Use of Illicit Drugs and Alcohol

The use of illicit drugs and the abuse of alcohol can lead to several risks to a person's health. In the short term, alcohol abuse can cause impairment of mental capacity and function as well as the loss of memory, and in some cases respiratory depression and death. Long term abuse of alcohol can lead to permanent damage to the brain and the liver. Prolonged abuse of alcohol can lead to alcohol dependency which can increase the risk of these negative effects. The use of illicit drugs can cause a variety of health risks including the reduction of short term memory and reading comprehension as well as impairment of coordination skills and concentration. Prolonged use of illicit drugs can lead to dependency and an increase in the risk of negative effects.

4. Resources available

PHOENIX / TEMPE

Al-Anon Family Information 602-249-1257

Alcoholics Anonymous 602-264-1341

Child Abuse Hotline 888-767-2445

Community Information and Referral 602-263-8856

Interfaith Counseling 480-317-9868

Salvation Army Family Services 602-267-4122

Sojourner Center 602-244-0089

TERROS Drug Abuse 602-685-6000

5. Sanctions

CRAS is dedicated to maintaining a safe, drug free environment for both its students and employees. Any violation of the drug free policies of this institution will result in sanctions (consistent with federal, state, and local laws) for students that could include suspension, referral to a treatment program, diagnosis by a licensed professional, expulsion, and referral for prosecution. Any violation of this code of conduct for employees will result in sanctions (consistent with federal, state, and local laws) that could include suspension, referral to a treatment program, diagnosis by a licensed professional, termination of employment, and referral for prosecution.



Tempe Campus - Main

2300 East Broadway Rd.

Tempe, AZ 85282

480.858.0764

888.562.6383

Gilbert Campus - Satellite

1205 North Fiesta Blvd.

Gilbert, AZ 85233

480.858.9400

800.562.6383

CRAS.edu