

*The Drug-Free Schools and Communities Act Amendments of 1989 require an institution of higher education, as a condition of receiving federal financial assistance, to adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. **A school must provide to every student, upon enrollment, a separate, clear, and conspicuous written notice with information on the penalties associated with drug related offenses.** Other federal and state laws impose additional requirements on the University and its students and employees with respect to drug and alcohol-related offenses.*

Information about these offenses is contained in the Mercer University Drug-Free Workplace and Campus Program policy (available on the [University Policy website](#) and emailed to students, faculty and staff annually) and provided below.

Convictions for Drug-Related Offenses

Any student or employee convicted of any drug-related criminal statute must notify the appropriate official, the senior student affairs officer (for students) or the Associate Vice President for Human Resources (for employees), in writing, no later than 5 days after such conviction regardless of where the offense occurred. This is because under Federal and State laws, any student convicted of a drug-related felony offense, while currently enrolled, must be denied all Federal and State assistance, and because the University must notify Federal agencies of drug-related convictions in the workplace of employees involved in work under a grant or contract. However, a criminal conviction shall not be necessary to find that a student or employee has violated these standards of conduct, and the University need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding. Federal policy requires schools to advise students each semester as to the consequences of drug convictions. The Federal policy is as follows:

[2]A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for FSA funds. The student self-certifies in applying for aid that he is eligible; schools are not required to confirm this unless they have conflicting information. Convictions only count against a student for aid eligibility purposes (FAFSA question 23c) if they were for an offense that occurred during a period of enrollment for which the student was receiving federal student aid—they do not count if the offense was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge (see drug abuse hold sidebar). Also, a conviction that was reversed, set aside, or removed from the student’s record does not count, nor does one received when she was a juvenile, unless she was tried as an adult. The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

# of Offenses	Possession of illegal drugs	Sale of illegal Drugs
1st Offense	1 year from date of conviction	2 years from date of conviction
2nd Offense	2 years from date of conviction	Indefinite Period
3+ Offenses	Indefinite Period	

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period. Schools must provide each student who becomes ineligible for FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again. Students denied eligibility for an indefinite period can regain eligibility after completing any of the following 3 options:

1. Successfully completing a rehabilitation program (as described below, which includes passing two unannounced drug tests from such a program);
2. Having the conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record; or
3. Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

In such cases, the nature and dates of the remaining conviction will determine when the student regains eligibility. It is the student's responsibility to certify to you that she has successfully completed the rehabilitation program; as with the conviction question on the FAFSA, you are not required to confirm the reported information unless you have conflicting information. When a student regains eligibility during the award year, you may award Pell Grant, TEACH, and Campus-Based aid for the current payment period and Direct Loans for the period of enrollment.

Standards for a qualified drug rehabilitation program

A qualified drug rehabilitation program must include at least two unannounced drug tests and satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.
- If you are counseling a student who will need to enter such a program, be sure to advise the student of these requirements. If a student certifies that he has successfully completed a drug rehabilitation program, but you have reason to believe that the program does not meet the requirements, you must find out if it does before paying the student any FSA funds.