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# DRUG AND ALCOHOL PREVENTION PROGRAM

*(Faculty and Staff)*

## Standards of Conduct

The University prohibits the unlawful possession, use or distribution of illicit drugs and the unauthorized illegal possession, use or distribution of alcohol on University property or as any part of a University sponsored activity.

## Drug and Alcohol Counseling, Treatment or Rehabilitation Programs

The University Counseling Center provides help to employees or students dealing with drug and/or alcohol abuse, as well as referrals to outside agencies and programs. Both the Counseling Center and Health Services maintain a library of written materials on drug and alcohol abuse.

The Counseling Center maintains strict confidentiality of records and counseling relationships. No information regarding a counseling relationship is shared with anyone inside or outside the University unless a written release to do so is provided by the employee. In the event that entrance into a counseling treatment or rehabilitation program is required as a disciplinary measure (see following paragraph on Disciplinary Sanctions) two written releases to the appropriate Dean or to the Human Resources Office will be required, one to indicate entrance into the program and one to confirm satisfactory completion of the program.

Health insurance plans available to employees may provide varying levels of coverage for alcohol and substance abuse programs. Further information on plan coverage is available from the insurer or from the Human Resources Office.

## Disciplinary Sanctions

The University enforces this policy in a consistent manner and in accordance with local, state and federal laws. Possible disciplinary actions include warning, probation, suspension, termination of employment, referral for prosecution, requirement of satisfactory participation in a substance abuse treatment, counseling or education program as a condition of reinstatement or continued employment. Actual disciplinary action will be imposed based upon a review of the circumstances of the case.

The following examples illustrate the range of sanctions for particular violations of the standards of conduct:

### 1. Possession of an illicit drug in an amount implying intent to distribute:

*First Offense:* Written warning

*Second Offense:* Suspension up to 2 weeks

*Third Offense:* Suspension or termination

### 2. Use of an illicit drug:

*First Offense:* Entrance into and satisfactory completion of a treatment program approved by the University; failure to enter into and to satisfactorily complete the program will result in suspension, expulsion or termination.

*Second Offense:* Suspension

*Third Offense:* Termination

### 3. Distribution of illicit drugs or possession with intent to distribute:

*First Offense:* Suspension or termination

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**4. Use or possession of alcohol by an individual under the age of 21:**

*First Offense:* Written warning

*Second Offense:* Suspension for up to 2 weeks or, where appropriate, a 3-day suspension and entrance into and satisfactory completion of a treatment program approved by the University; failure to enter into and to satisfactorily complete the program will result in suspension or termination.

*Third Offense:* Suspension or termination

**5. Distribution of alcohol to individual under the age of 21 years:**

*First Offense:* 5-day suspension

*Second Offense:* Suspension or termination

**6. Use or distribution (in an open container) of alcohol by an individual 21 years of age or older at a University activity where alcohol is not approved:**

*First Offense:* Written warning

*Second Offense:* 3-day suspension and entrance into and satisfactory completion of a treatment program approved by the University; failure to enter into and to satisfactorily complete the program will result in suspension or termination.

*Third Offense:* Suspension or termination

**Drug Free Workplace Act Compliance**

In addition, the University complies with the Drug Free Workplace Act. The unlawful manufacture, distribution, disposing, dispensing, possession or use of controlled substances is prohibited on the premises of the University or while representing the University off-campus. Violation of this prohibition will result in disciplinary action up to and including termination.

Employees are required, as a condition of employment, to abide by the terms of this policy and to notify the director of human resources of any criminal drug statute conviction for a violation occurring either on the premises of the University or while representing the University off-campus no later than five days after such conviction.

**Applicable Legal Sanctions Under Local, State or Federal Law**

Local, state, and federal laws make illegal use of drugs and alcohol serious crimes. Conviction can lead to imprisonment, fines and assigned community service. Courts do not lift prison sentences in order for convicted persons to attend college or continue their jobs. A felony conviction for such an offense can prevent you from entering many fields of employment or professions.

Cities and towns in Massachusetts, specifically Boston, prohibit public consumption of alcohol and impose fines for violation. The Massachusetts Department of Conservation and Recreation also prohibits public consumption of alcohol in its parks.

Massachusetts laws prohibit sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2,000 or by imprisonment for not more than one year, or both. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$300. First conviction for driving under the influence of alcohol can have a penalty of up to \$5,000 fine, one-year revocation of driver's license, up to 2 1/2 years in prison, mandatory alcohol rehabilitation.

Massachusetts has criminal penalties for use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotic, addictive, and drugs with potential for abuse have heavier penalties.

Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws, penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party risks a serious drug conviction. Sale and possession of "drug paraphernalia" is illegal in Massachusetts.

Persons convicted of drug possession under state or federal law may be ineligible for federal student grants and loans for up to one year after the first conviction, up to two years after the second and permanently after the third. The penalty for selling drugs is loss of benefits for up to two years after the first conviction and permanently after the second.

Under Federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a school or within 100 feet of a public park or playground. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs, if death or serious injury results from the use of the substance.

The chart in this brochure outlines the health risks associated with the use of illicit drugs and with the abuse of alcohol.