

## **Drug Free Workplace**

In Compliance with the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, as defined in the Act, is prohibited in the workplace, whether on or off University premises, when an employee is directly engaged in the performance of work pursuant to the provisions of a Federal grant.

All University campuses will ensure that their drug-free awareness programs inform employees of this policy of maintaining a drug-free workplace; of the dangers of drug abuse in the workplace; of available drug counseling, rehabilitation, and employee assistance programs; and of the penalties that may be imposed for drug abuse violations occurring in the workplace. Each employee engaged in the performance of a Federal grant will be given a copy of the policy.

As a condition of employment under a Federal grant, employees must abide by the terms of the above policy and notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The University must notify the contracting agency within ten days after receiving notice of a conviction. Any individual so convicted will be subject to appropriate disciplinary action, up to and including termination, or will be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

## **Drug-Free Schools and Communities Act AMENDMENTS OF 1989 PUBLIC LAW 101-226**

The University of Massachusetts Amherst, in accordance with both federal legislation and existing University policy, is committed to providing a drug-free, healthful, and safe environment for all faculty, staff and students.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, and the unauthorized possession or use of alcoholic beverages on the Amherst campus or as part of any University activity or business off University premises is prohibited. If it is determined that a violation of this policy has occurred, disciplinary action up to and including termination of employment, expulsion of students, and referral for prosecution may result as deemed appropriate. Applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol are summarized in the following section.

The University recognizes alcohol and drug dependency as an illness and a major health problem. Alcohol is the number one drug problem in this country and on campus. Drinking alcohol has acute effects on the body. It impairs judgment, vision, coordination and speech and often leads to dangerous risk-taking behavior. These may include drunken driving, injuries and serious accidents. Nearly half of all accidental deaths, suicides and homicides are alcohol related. The misuse of alcohol is often involved in violent behavior, acquaintance rape, unintended pregnancies, and the exposure to sexually transmitted diseases. Long-term excessive drinking and drug use can lead to a wide variety of health problems in many different organ systems.

The use of drugs and alcohol can cause physical and psychological dependence. They can interfere with memory, sensation and perception. Drugs impair the brain's ability to synthesize information. Regular users of drugs develop tolerance and physical dependence often experienced by withdrawal symptoms. The psychological dependence occurs when the drug taking becomes central to the user's life.

Employees who need help with substance abuse problems and co-workers/family members of substance abusers are encouraged to use the University Faculty and staff Assistance Program (545-0350). Services include assessment, referral to professional treatment and self-help programs, an early recovery group and extensive follow-up. All contacts are confidential and conscientious efforts to seek help will not jeopardize any employee's job.

Students with substance abuse problems are encouraged to use the full range of educational and treatment services provided by the University Health Services. The Alcohol and Drug Education Program (577-5181) offers workshops, information, and referrals to treatment and self-help groups, as well as adult children of alcoholic groups. The Mental Health Division (545-2337) provides individual, couples and family therapy for students who have paid the health fee, and for other members of the University community with UHS contracted health plans. Detoxification is available in the inpatient unit on a limited basis. All contacts are confidential. The Athletic Health Enhancement Program (545-4588) is a collaboration of the University Health Services and the Athletic Department, and offers a special focus on drug and alcohol concerns. The Residential Education Alcohol Program (545-0137) offers services to students who violate the Code of student Conduct through alcohol-related behaviors, and provides students an educational experience to help change problem behaviors.

This information has been compiled and distributed to all members of the campus community to meet the requirements of the Drug-Free Schools and Communities Act. In addition to this policy, other University policies remain in force. These policies are available in the following documents, as appropriate: University Alcoholic Beverage Policy, Code of student Conduct, Residence Hall Manual, Faculty Handbook, AFSCME Handbook, Drug Free Workplace Act.

### **SUMMARY OF LEGAL SANCTIONS FOR THE UNLAWFUL POSSESSION OR DIRIBUTION OF ILLICIT DRUGS AND ALCOHOL PROVIDED IN COMPLIANCE WITH THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT**

Local, state, and federal laws make illegal uses of drugs and alcohol serious crimes. Conviction can lead to imprisonment, fines and assigned community service. A felony conviction for such an offense can prevent an individual from entering many fields of employment and licensed professions.

Cities and towns in Massachusetts, specifically Amherst, prohibit public consumption of alcohol and impose fines for violation. The Metropolitan District Commission 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 and 6 months imprisonment, or both for violations. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$300. A first conviction of driving under the influence of alcohol has a penalty of a \$1,000 fine, one-year revocation of driver's license, up to two years in prison, and mandatory participation in an alcohol rehabilitation program.

Massachusetts has criminal penalties for the illicit use of controlled substances (or "drugs"), with penalties varying with the type of drug. In general, narcotics, addictive drugs, and drugs with a high potential for abuse have heavier penalties.

A law enacted in Massachusetts in August, 1990, imposes a mandatory minimum of five years imprisonment for causing, inducing or abetting a person under eighteen years old to distribute, disperse or possess with intent to distribute controlled substances, or to deliver or possess money in conjunction with such controlled substances.

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 best 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 best be ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first, 10 years after the second and permanently after the third conviction.

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 college or school. Federal law sets greatly heightened prison sentences for the manufacture and distribution of drugs if death or serious injury results from use of the substance.

September, 1997