

Policies and Procedures Manual

Title: Employee Drug & Alcohol Policy
Policy Administrator: Director of Human Resources
Effective Date: Mar-10-2020
Approved by: Vice President for Administration and Finance/Treasurer

Purpose:

The College of the Holy Cross supports all federal and state laws that prohibit the manufacture, cultivation, distribution, dispensation, use or possession of illegal drugs, including those laws governing illegal drugs in the workplace and/or educational setting. The College cooperates with the enforcement of such laws.

As a Catholic college, the College is committed to maintaining a learning and working environment free from the damaging influence of drug and alcohol abuse. The College is committed to protecting the safety, health and well-being of all employees, students and community members. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol- and drug-free environment.

With this in mind, and in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 and the federal Drug-Free Schools and Communities Act of 1989, the following policies have been established.

Policy:

1.0 Prohibitions and Enforcement Procedures

The College prohibits the unlawful manufacture, cultivation, distribution, dispensation, use or possession or use of any illegal drug or drug paraphernalia and the possession, use or transfer of any alcoholic beverage by any employee while on College premises or while performing any job-related activity, whether on or off College premises.

Employees are also prohibited from reporting to work or performing any job-related activities whether on or off College premises, while under the influence of or impaired by alcohol or an illegal drug.

1.1 Exceptions

The moderate consumption of alcohol by off-duty employees over 21 years of age attending a College function at which the College has authorized alcohol to be served is permitted.

Some College employees over 21 years of age may be required to possess or transport alcohol in connection with the proper performance of their positions (e.g., service of

alcohol at a College function at which the College has authorized alcohol to be serviced).

1.2 Exhibition of Symptoms

An employee who exhibits symptoms of being under the influence of or impaired by drugs or alcohol on the job will be escorted to Health Services, or other health care facility, for a medical evaluation.

1.3 Investigations

Whenever circumstances indicate that any violation of this policy has occurred, the employee may be suspended pending investigation. If the employee is deemed impaired by drugs or alcohol at that time, transportation home⁽¹⁾ will be provided or arranged.

The College reserves the right to inspect desks, lockers, bags and briefcases, etc.

1.4 Violations and Disciplinary Sanctions; Potential Criminal Penalties

An employee who violates any provision of this policy is subject to disciplinary action, up to and including immediate dismissal (consistent with local, state and federal law), and may be referred for prosecution.

Unlawful cultivation, manufacture, distribution, dispensation, use or possession, of illegal drugs, drug paraphernalia, or alcohol may subject an employee to criminal penalties. A description of criminal and other penalties under federal, state and local laws for illegal drug and alcohol activities are listed in Attachment A, below.

2.0 Definitions

For purposes of this policy:

A "drug" is a narcotic, hallucinogen or any other substance listed on Schedules I-IV of the Federal Controlled Substance Act.

An "illegal" drug is any controlled substance that cannot be obtained legally under federal and state law or that, although available legally under federal and state law (i.e., by prescription) has been obtained illegally. Marijuana remains an illegal drug under federal law and therefore is treated as an illegal drug for the purpose of this policy.

"Illegal" drugs include not only "street" drugs, but also prescription drugs that have not been lawfully prescribed for the individual or are used unlawfully.

"Unlawful" and "unlawfully" mean in violation of any federal, state, or local law, regulation or ordinance.

2.1 Prescription Drugs and Over the Counter Medications

While it is a violation of this policy to use prescription medications unlawfully, this policy does not prohibit use or possession of drugs prescribed for the employee by a licensed physician and used in a therapeutic dosage in accordance with the physician's instructions. Please note: Because marijuana continues to be illegal under federal law, the College cannot accommodate users of medical marijuana where the use takes place on campus or on property owned or controlled by the College. All marijuana use is prohibited on campus and in connection with College activities, even if the intended purpose is for medicinal reasons. Though performing work under the influence of or impaired by marijuana is prohibited, employee requests for a reasonable accommodation to use medical marijuana *off-site* in compliance with Massachusetts law will be evaluated on a case-by-case basis and in compliance with state law and any competing federal or contractual obligations.

Any employee taking prescribed or over-the-counter medications in safety sensitive positions will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, students, or the public, it is the employee's responsibility to disclose to their supervisor the use of any prescribed drug that may impair the employee's ability to perform his/her job safely and effectively and to use appropriate personnel procedures (e.g., request a change of duty, call in sick, or use other available leave) to avoid unsafe workplace practices.

3.0 Employee Obligations

Employees are required to abide by all requirements of this policy as a condition of continued employment at the College.

3.1 Notification of Charges

In addition, an employee who is found guilty, or pleads no contest, to a charge of violating a criminal drug statute must notify the College within five (5) days of such conviction or plea. The College in turn must notify the appropriate government agency within ten (10) days.

3.2 Rehabilitation and Treatment

In appropriate circumstances, the College may require an employee to successfully complete a rehabilitation or treatment program approved by the College as a condition of continued employment.

4.0 Substance Abuse Prevention, Education and Counseling

The College recognizes that alcohol and drug abuse are treatable illnesses. The College strongly encourages employees to seek assistance for problems of drug and alcohol abuse before the individual's relationship with the College is jeopardized. Early intervention and support may improve the success of rehabilitation. A number of counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling and coordination with available community resources to assess the seriousness of suspected drug and alcohol issues and address drug and alcohol abuse problems. A list of local programs is available from the Human Resource department and reprinted here, for your convenience.

REHABILITATION AND COUNSELING:

1. AdCare Hospital 107 Lincoln Street Worcester, MA 01605, 1-800-ALCOHOL or 800-345-3552 or 508-799-9000
2. Spectrum Health Systems 105 Merrick Street Worcester MA 01609, 585 Lincoln Street, Worcester MA 01605 or 475 Pleasant Street, Worcester MA, 01609 877-697-3422

COMMUNITY RESOURCES:

1. Alcoholics Anonymous - Worcester Area Intergroup 100 Grove Street, Suite 314 Worcester MA 01605, 508-752-9000. Local meeting look-up at: www.aaworcester.org/meetinglookup.htm
2. The Office of Wellness Programming. From time-to-time the Office of Wellness Programming in the Division of Student Affairs also sponsors an AA meeting on Campus. Contact them at X2302 for more information.
3. The College's employee assistance program provides counseling, consultation and referrals on free, confidential basis. (800) 648-9557, www.kgreer.com, info@kgreer.com.

In appropriate circumstances, an unpaid leave of absence may be granted an employee to participate in a rehabilitation or treatment program. Also, the College's group health insurance plan may provide certain benefits during drug or alcohol rehabilitation to plan subscribers. For information, consult the booklet or website describing benefits available under the plan, or contact your health insurance carrier.

While the College recognizes substance abuse as a treatable condition, there are positions of such a critical nature that substance abuse may be grounds for immediate termination including safety sensitive positions and positions which require possession of a driver's license. In addition, addiction and/or substance abuse do not excuse a violation of College policy or applicable law.

A description of criminal and other penalties under federal, state and local laws for illegal drug and alcohol activities and health risks of drug and alcohol abuse are listed in Attachment A, below.

Attachment A

Description of Criminal and Other Penalties for Drug and Alcohol Violations and Health Risks Associated with the Misuse of Substances

Alcohol and Laws of the Commonwealth of Massachusetts and the City of Worcester

Commonwealth of Massachusetts

The legal drinking age in Massachusetts is 21 years. This means that individuals may legally consume, possess, transport or procure alcoholic beverages only if they are 21 years of age or older.

Generally, anyone who procures any alcoholic beverages for, or serves or sells alcoholic beverages to, a person under 21 years of age on premises owned or controlled by the person charged violates M.G.L. c. 138, section 34 and is subject to a fine of \$2000 or imprisonment for not more than one year or both.

Anyone under 21 years of age who purchases, attempts to purchase, or knowingly misrepresents their age (including by defacing, altering or otherwise falsifying an identification card) in order to purchase or procure alcoholic beverages is subject to a \$300 fine (M.G.L. c. 138, section 34A). The law also prohibits anyone making a false statement about the age of a person under 21 years of age in order to obtain alcoholic beverages for the person under 21 years of age.

Unless accompanied by a parent or guardian or in the course of employment, persons under 21 years of age may not carry or transport any alcoholic beverages and are subject to immediate arrest without a warrant, fines and revocation of their driver's license for a maximum of 90 days (M.G.L. c. 138, section 34C).

First conviction of driving under the influence of alcohol has a penalty of a \$500– \$5,000 fine, mandatory suspension of driver's license up to one year, up to two and a half years in prison. Subsequent offenses carry higher penalties.

Under Massachusetts law, a host of a party may be held liable for the injuries suffered by others if the host knew or should have known that a guest was drunk and nevertheless gave/permitted the guest to take an alcoholic drink and thereafter, because of the guest's intoxication, the guest negligently caused injury to others. If the guest who causes an injury is a minor (under 21), the host who served the alcohol or permitted alcohol to be served to the minor might be held liable to others even if the minor was already intoxicated when served alcohol.

City of Worcester

Chapter 9, Section 4, of the Revised Ordinances of 1996 of the City of Worcester prohibits the possession of open containers of alcohol by anyone regardless of age while on, in or upon any public way or sidewalk or upon private property without the consent of the owner of the property subject to arrest and fine of not more than \$50 for each offense.

Federal and State Drug Offenses

Federal and state laws treat unlawful cultivation, manufacture, distribution, dispensation, use and possession of illegal drugs and drug paraphernalia as serious crimes. Conviction for these crimes can lead to imprisonment, fines, forfeiture of property, loss of access to federal funding, denial of licenses, probation, and/or assigned community service. The College will cooperate fully with law enforcement officials in the investigation and prosecution of drug related cases.

The criminal offenses most commonly charged under the federal Controlled Substances Act are the knowing, intentional and unauthorized manufacture, distribution or dispensing of any controlled substance or the possession of any controlled substance with the intent to manufacture, distribute or dispense. Federal law also prohibits the knowing, intentional and unauthorized creation, distribution, dispensing or possession with intent to distribute or dispense a "counterfeit substance".

Simple possession without necessarily an intent to distribute is also forbidden by federal law and carries a penalty of imprisonment. Questions sometimes arise as to what amount of illegal drugs found in the possession of a person is considered to be for personal use as opposed to the more serious offense of possession with the intent to distribute. Pursuant to federal law, the greater quantity possessed, the more likely it is that an individual possessed such quantity with an intent to distribute.

Furthermore, it is also a federal crime for an individual to attempt to, or assist another to, distribute or possess illegal drugs under federal law.

Maximum penalties for drug violations under federal law range from one year to life in prison, and many violations carry substantial mandatory minimum prison sentences (e.g., five, ten, or twenty years). The penalties also vary depending upon the type of drug (e.g., narcotic and addictive drugs and drugs with high potential for abuse) and quantity of the drug involved. In addition, certain circumstances may result in greater penalties, including:

- Distribution to persons under 21
- Distribution or manufacturing by a person who is at least 18 years of age within 1000 feet of a college or school to a person under 21 years of age

- (which may include a mandatory one year prison term)
- Employment of juveniles under the age of 18 in drug trafficking operations
 - Distribution to pregnant women
 - Use of a firearm in the commission of the offense
 - A drug offense that results in death or serious bodily injury to an individual who uses the drug involved
 - Second and subsequent convictions

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

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 (subject to potential imprisonment of up to one year and/or fines). Anyone in the presence of heroin risks a serious drug conviction.

Regardless of Massachusetts law, marijuana remains illegal under federal law so an individual may violate federal law even if in compliance with the laws of the Commonwealth of Massachusetts.

In addition to federal law, individuals are subject to arrest and prosecution under Massachusetts law:

- Furnishing marijuana, marijuana products or marijuana accessories to any person less than 21 years of age, either for the person’s own use or for the use of another person is punishable by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. “Furnish” includes allowing a person less than 21 years of age to possess marijuana, marijuana products or marijuana accessories on property owned or controlled by the person charged.
- Operating a vehicle under the influence of marijuana. First conviction of driving under the influence of alcohol has a penalty of a \$500– \$5,000 fine, mandatory suspension of driver’s license up to one year, up to two and a half years in prison. Subsequent offenses carry higher penalties.
- Distribution and possession of marijuana above stated limits.

In addition, there are a number of civil marijuana offenses in Massachusetts including, but not limited to, the following:

- Using marijuana in any form (smoking, vaping, edibles) in public or anywhere where smoking tobacco is prohibited.
- Possessing an open container of marijuana or marijuana products in the passenger area of any motor vehicle.
- Possessing more than the legally permissible amount of marijuana (generally more than 1 oz. outside your residence).
- Attempting to purchase marijuana or drug paraphernalia if under 21 years of age.

You can learn more details about the Massachusetts marijuana law at <https://www.mass.gov/info-details/marijuana-in-massachusetts-whats-legal> and <https://www.mass.gov/info-details/massachusetts-law-about-marijuana-possession> Penalties for civil marijuana offenses generally range from \$100 to \$1000 and in some cases individuals who are less than 21 years of age must complete drug awareness programs and parents or legal guardians are notified.

Sale and possession of “drug paraphernalia” is illegal in Massachusetts except that pursuant to M.G.L. c. 94G, §8 a person 21 years of age or older may possess, purchase, or otherwise obtains marijuana accessories under Massachusetts law. Of course, as noted above, the College prohibits employees from possessing any such “drug paraphernalia” on campus and during any College activity as a matter of College policy.

Risks Associated with Misuse of Substances

The use of illegal drugs and the abuse of alcohol may have serious effects on the health and safety of an employee and may seriously interfere with the employee’s judgment and job performance. A summary of the uses and effects of alcohol and some of the more common drugs of abuse follows.

Any time alcohol or other drugs are used, the risk for health problems and/or impairment problems increases. These problems can cause personal harm, injury or even death. Impaired judgment increases the likelihood of an individual becoming aggressive and/or violent. The possibility of civil or criminal prosecution and liability increases. The use and abuse of substances has been linked to compromised academic success. It may also lead to unsafe and/or nonconsensual sex, both of which increase the risk of sexually transmitted infections (STIs) including HIV and an unplanned pregnancy.

Alcohol and the Body

- As a depressant, alcohol causes a feeling of relaxation in small amounts.
- In larger amounts, alcohol will cause intoxication, and will lessen inhibitions. When the brain is affected, motor skills, judgment, alertness, coordination and reflexes can all be compromised.
- Increased quantities will cause the body to give signals that toxicity has occurred including vomiting, passing out, hangovers and memory loss.
- People under the intoxicating effects are at greater risk for accidents, fights, and driving while impaired.
- Alcohol mixed with other drugs (legal or illegal) will alter the effects of that drug often causing an increased risk that the individual will become ill or hurt.
- People who drink heavily risk developing an increased tolerance. When this happens, consumption of a constant amount of alcohol produces a lesser effect so that an increasing amount is needed to

produce the same effect.

- Substance abuse is characterized by a failure to meet obligations, putting oneself in dangerous situations, and continuing to drink despite persistent problems.
- Substance dependence is characterized by an increased tolerance, withdrawal symptoms, large amounts of time spent obtaining alcohol, and unsuccessful attempts to reduce one's drinking.
- Consistent and frequent use of alcohol can cause health problems including high blood pressure, increased memory loss, digestive and liver problems to develop.

Drugs in the Body

Narcotics:

- There is often an initial euphoria followed by drowsiness and nausea.
- Users will have constricted pupils, watery eyes and a dazed look.
- An overdose of a narcotic will produce slow, shallow breathing, clammy skin, loss of appetite and weight, and possible death.

Depressants (Barbiturates, Tranquilizers):

- The initial response by the body is relaxed muscles, calmness, and drowsiness.
- This will follow with confusion, disorientation and slurred speech.
- An overdose of a depressant may produce shallow breathing, clammy skin, weak and rapid pulse, coma and possible death.

Rohypnol:

- Commonly used in date rape.
- When mixed with alcohol incapacitates victims.
- Individuals may not remember events they experienced while under the effects of the drug.
- May be lethal when mixed with alcohol and/or other depressants.

GHB (gamma hydroxybutyrates):

- Often combined with alcohol.
- Also known as Liquid Ecstasy.
- Coma and seizures can often occur following abuse of GHB.
- GHB has been involved in poisonings, overdoses, date rapes, and deaths.

Ketamine:

- Can cause dream-like states and hallucinations
- A commonly used date rape drug
- At high doses, Special K (Ketamine) can cause delirium, amnesia, impaired motor function, high blood pressure, depression, and potentially fatal respiratory problems.

Stimulants (Cocaine, Methamphetamine):

- The initial response includes an increased heart and respiratory rate, elevated blood pressure, and decreased appetite.
- This will follow with blurred vision, dizziness, insomnia, and anxiety.
- High doses can cause physical collapse, irregular heartbeat, stroke, and possible death.

Hallucinogens (LSD, PCP, Mushrooms):

- The initial response will be illusions and hallucinations.
- This will follow with confusion, panic, anxiety, depression, and poor perception of time and distance.
- Risks include respiratory failure and deaths due to drug influenced behavior.

Cannabis (Marijuana, Hashish):

- The initial response will include feelings of euphoria, giddiness and increased appetite.
- This will continue with increased heart rate, bloodshot eyes, dry mouth and throat. Often the user will have a feeling of paranoia.
- Use interferes with memory, speech, coordination, and the perception of time.
- Marijuana is known to be consumed in a number of ways including, but not limited to, smoking, vaporizing, ingestion of edibles, and through use of oil-based extracts or topical creams.

Anabolic steroids:

- Steroids are synthetic substances similar to the male hormone testosterone, and are used to build muscle mass.
- Abuse of anabolic steroids may lead to serious health problems such as kidney problems or failure, liver damage, high blood pressure and changes in blood cholesterol and mental health problems.

Opioids (heroin, opium and pain relievers with an origin similar to that of heroin):

- Can cause euphoria, drowsiness; impaired coordination; dizziness; confusion; nausea; sedation; slowed or arrested breathing; death
- Prescriptions used non-medically may lead to overdose deaths.

Procedures:

[Click here to enter text.](#)

Forms:

Title
Title

Related Information:

Title Employee Handbook
URL https://www.holycross.edu/human-resources/resources-forms-and-policies
Title Employee Assistance Program
URL www.kgreer.com

Policy # 310000-002
Date of Last Review Mar-10-2020

[u](#) Or to a Medical Facility, if necessary under the circumstances.