



## Policies and Procedures Manual

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Title: Employee Drug & Alcohol Policy  
Policy Administrator: Director of Human Resources  
Effective Date: Mar-01-2017  
Approved by: Vice President for Administration and Finance/Treasurer

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### **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<sup>1</sup> 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.,

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<sup>1</sup> Or to a Medical Facility, if necessary under the circumstances.  
College of the Holy Cross

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 or 585 Lincoln Street, Worcester MA 01605, 800-464-9555 ext. 1161

##### 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](http://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](http://www.kgreer.com), [info@kgreer.com](mailto: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**

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 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.

The City of Worcester makes it illegal for anyone, irrespective of age, to possess or consume open containers of alcohol in public 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 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 near a college or school
- 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

In addition, a student convicted of drug offense under federal or state law during a period of enrollment during which a student was receiving federal financial aid are ineligible for federal financial assistance (federal grants, loans and work study) for a period of time (possession: first offense, 1 year; second offense, 2 years; third offense, indefinite; sale: first offense, 2 years; second offense, indefinite). Under certain circumstances, individuals may regain eligibility by completing a qualified drug rehabilitation program.

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.

As of December 15, 2016, Massachusetts law changed with respect to the possession of marijuana. However, regardless of the 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.

**As of March 1, 2017, the sale of marijuana is still illegal in Massachusetts.**

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

- **If they are less than 21 years of age and they possess more than one ounce of marijuana.**
- **If they are over 21 years of age and they possess more than:**
  - **One ounce of marijuana in public; or**
  - **A quantity of marijuana at home that exceeds the Massachusetts limit which is currently set at 10 ounces. Please note: The amount is currently subject to legislative review and may be reduced.**

**In addition, it is a civil offense in Massachusetts for an individual who is under 21 years to possess less than an ounce of marijuana.**

- **If the individual is between the ages of 18 and 21, a civil penalty of \$100 is imposed.**
- **If the individual is under 18 years of age, then parents or legal guardians are notified of the offense and a civil penalty is imposed ranging from \$100 to \$1000 based upon whether the individual completes a drug awareness program.**

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.

## **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 will be at higher 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 cut down on 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.

**Anabolic steroids:**

- 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.

**College Advisory Board on Alcohol (CABA):**

The College Advisory Board on Alcohol (CABA) is composed of students, faculty, staff and administrators who are appointed by the President of the College. The Board's primary responsibility is to make recommendations to the President and to Vice President for Student Affairs on issues surrounding campus policy and best practices related to the issue of alcohol. CABA also provides an annual status report to the President of the College and to the Vice President for Student Affairs.

**Procedures:**

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**Forms:**

Title
Title

**Related Information:**

Title Employee Handbook
URL <a href="https://www.holycross.edu/human-resources/resources-forms-and-policies">https://www.holycross.edu/human-resources/resources-forms-and-policies</a>
Title Employee Assistance Program
URL <a href="http://www.kgreer.com">www.kgreer.com</a>

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