

DRUG AND ALCOHOL POLICIES

Applicable to Cape Cod Community College

On December 12, 1989, Congress amended Title XII of the Higher Education Act of 1965. This amendment, known as the “Drug Free Schools and Communities Act of 1989, requires that every educational institution receiving federal funding certify its adoption and implementation of a Drug and Alcohol Abuse Prevention Program (DAPP) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as any part of its activities. The DAPP must be communicated annually, in writing, to all students enrolled in any course(s) for which academic credit will be awarded as well as to all employees. Prior federal law applicable to the College regulated only criminal drug activity of federally grant-funded employees and recipients of federal aid.

Cape Cod Community College, in accordance with legal mandates and its philosophy of establishing and maintaining an environment of learning and a supportive environment in which to conduct the business and mission of the College, will enforce the following policies:

- 1) The unlawful manufacture, distribution, dispensing, possession or use of alcohol or of a controlled substance is prohibited on the campus of Cape Cod Community College or as part of any College-related activity. Students or employees who violate these restrictions shall be subject to appropriate disciplinary action, up to and including suspension, expulsion or discharge and shall also be subject to referral for criminal prosecution. Where students or employees are convicted of violating a criminal drug or alcohol statute relating to a College activity, the College shall ordinarily expel or discharge the offender absent mitigating circumstances. Mitigating circumstances shall include, but shall not be limited to, considerations of disability under federal and state law.
- 2) Cape Cod Community College shall cooperate in the enforcement of federal, state and local laws concerning illegal drugs and alcoholic beverages. Massachusetts statutes pertaining to illegal drugs and alcohol include:

Massachusetts General Laws, Chapter 94C (Controlled Substances Act)

Prescribed penalties under Massachusetts General Law (MGL) Chapter 94C for possession of a controlled substance ranges from a civil penalty of one hundred dollars for possession of one ounce or less of, Class D substance, including; marijuana, or tetrahydrocannabinol and having cannabinoids or cannabinoid metabolites in the urine, blood, saliva, sweat, hair, fingernails, toe nails or other tissue or fluid of the human body to mandatory probation for a first conviction for possession of more than one ounce of a class D substance, e.g. marijuana, to a period of imprisonment of up to two years and/or a fine of up to twenty five thousand dollars for each subsequent conviction related to sale or distribution of a controlled substance. Controlled substances include the illegal possession of a Class E substance (prescription drugs other than those included in Classes A, B, C, or D) when a valid prescription has not been authorized. Penalties vary under MGL depending on the class of the controlled substance and the intent associated with possession of the controlled substance. Enhanced penalties are provided under law for possession with intent to distribute controlled substances and distributing of a controlled substance to a minor (under 18 years of age).

Marijuana Policy

Although Massachusetts law permits the use of medical marijuana and the possession, use, distribution and cultivation of marijuana in limited amounts, federal law, including the Federal Controlled Substances Act of 1970, the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, prohibits the possession, use, distribution and/or cultivation

of marijuana at educational institutions. Further, as marijuana remains classified as an illegal narcotic under federal law, institutions of higher education that receive federal funding are required to maintain policies prohibiting the possession and use of marijuana on their campuses. Accordingly, the possession, use, distribution or cultivation of marijuana, even for medical purposes, is prohibited on all Community College property or at College sponsored events and activities. Also prohibited is the operation of a motor vehicle while under the influence of marijuana on Community College property or at College sponsored events or activities. Further, this policy prohibits the possession, use, or distribution of all marijuana accessories and marijuana products. Marijuana accessories shall include, but are not limited to, any device or equipment used for ingesting, inhaling, or otherwise introducing marijuana into the human body. Marijuana products shall include, but are not limited to, products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products.

Violations of this policy by any student or employee shall result in disciplinary action, up to and including expulsion or termination in accordance with applicable College policies or collective bargaining agreements.

Massachusetts General Laws, Chapter 272, Section 59 (Public Drinking)

Prescribed penalties under Chapter 272, Section 59, for violation of a City Ordinance related to open containers of alcoholic beverage in a public place, authorizes arrest without a warrant and the offender may be kept in custody until he/she can be taken before the court having jurisdiction over the case. Fines may range from prescribed fines for violation of a city ordinance to additional associated court costs.

Massachusetts General Laws, Chapter 90, Section 24 (Operating Under the Influence, Open Containers)

Prescribed penalties under Chapter 90, Section 24, for operating under the influence/open containers range from a fine of not less than \$500 to imprisonment for not more than two and one half years and/or a fine of up to \$5000. Federal judicial guidelines also exist that suggest penalties for violation of federal criminal statutes related to drugs and alcohol.

Massachusetts General Laws, Chapter 138, Section 34C (Minor in Possession of Alcohol)

Prescribed penalties under Chapter 138, Section 34C, for a minor in possession of alcohol, authorizes arrest without a warrant when committed in the officer's presence. Fines may range from up to \$50 for a first offense to up to \$150 for subsequent offenses and a mandatory suspension of driver's license or right to operate a motor vehicle for 90 days regardless of whether the minor was operating a vehicle at the time of the incident.

Massachusetts General Laws, Chapter 138, Section 22 (Unlawful Transportation of Alcohol)

Prescribed penalties under Chapter 138, Section 22, for unlawful transportation of alcohol, authorizes arrest without a warrant when committed in the officer's presence. Penalties may include not more than 6 months in the House of Correction and/or a fine of \$2500.00.

In addition, Federal judicial guidelines also exist which impose penalties for violation of federal criminal statutes related to drugs and alcohol. Other towns within the College's service area may have similar or additional penalties in place related to alcohol and drug use. A complete listing of State and Federal laws and sanctions for the unlawful possession and distribution of illicit drugs and alcohol is attached:

Appendix A Federal Regulations

Appendix B Massachusetts Regulations

- 3) Students and employees shall be subject to disciplinary action up to and including expulsion or termination for violating state or federal laws prohibiting drug or alcohol use or any related College policy. Disciplinary sanction(s) may include the completion of an appropriate rehabilitation program.
- 4) Under-age drinking is prohibited at Cape Cod Community College functions and on any part of the campus.
- 5) No College funds shall be used to purchase alcoholic beverages. Cape Cod Community College's policy additionally prohibits alcoholic beverages at any College event (on or off campus) that is intended for students or student participation. A "College event" is one that utilizes College facilities, College funds, or is represented as being a College function. Such events must be approved in writing by the President of the College or his/her designee. All purchase orders for student events will specifically exclude payments for alcoholic beverages. Faculty and professional staff who serve as advisors or chaperones to student groups holding such events should understand that they will be expected to enforce the College's Student Alcohol Policy.
- 6) Employees working under federally funded grants are additionally subject to the Drug-Free Workplace Act of 1988. The Act creates the following obligations:
 - a. Employees convicted of any criminal drug statute violation occurring in the workplace must notify the Director of Human Resources no later than five (5) days after such conviction. Such notification must be in writing.
 - b. The College shall notify the appropriate federal agency within ten (10) days after receiving notice from the employee regarding such conviction. Such notification will be in writing.
 - c. The College, within thirty (30) days of receiving notice, with respect to any employee who is convicted, will:
 - i. Take appropriate disciplinary action against the employee, up to and including termination of employment; or
 - ii. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.
- 7) The College will present campus-wide drug and alcohol abuse prevention program(s) (DAAPP) each semester. This is in addition to other educational opportunities available in current or future academic offerings. The College stands ready to offer confidential supportive services and referrals for treatment as appropriate and available. Information concerning substance abuse and rehabilitation counseling programs, and the applicability of employee and student insurance is available through a part-time mental health consultant and a benefits coordinator from the Duffy Health Center. Please contact the Advising Center at (508)362-2131, ext. 4318 to make an appointment.

Additionally, the State Department of Public Health, Division of Substance Abuse provides an information and referral hotline; (800)327-5050 (TDD 617-547-2111) to provide confidential assistance. Locally, the Cape Cod Council on Alcoholism (508-771-0132) is available to provide confidential assistance and support services.

- 8) Alcohol and drug dependency is 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. 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, including death.

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. In addition to dependency, drug use can result in an overdose causing serious injury or death.

The following medical risks are associated with drug and alcohol use:

a. Overdose

An overdose can happen due to uncertain purity, strength or even type of drug one gets illegally. It can also happen due to increased tolerance, because one needs increased dosages to achieve the same effect. An overdose can cause psychosis, convulsions, coma or death. While the risks of drug overdose are more common and frequently more severe, extreme quantities of alcohol can similarly result in psychosis, convulsions, coma or death.

b. Dependence

Continued use of drugs or alcohol can lead to a psychological and/or physical need for them.

c. Ill Health

Long-term drug or alcohol use can destroy a healthy body and mind. Generally, drug or alcohol abuse can lead to organic damage, mental illness, malnutrition, failure to get treatment for existing diseases or injuries, and even to death. Chronic drinking also has been associated with increased rates for heart disease, liver damage, ulcers and gastritis, and adrenal and pituitary gland damage. Injection of drugs presents special risks of getting AIDS, hepatitis and other infectious diseases.

Drug and alcohol use can also affect the health of a child in the womb and result in birth defects, fetal alcohol syndrome, drug dependency or death. Because the quantity of alcohol likely to injure a developing fetus is unknown, the United States Surgeon

General has specifically counseled women not to drink any alcohol during pregnancy. d.

Accidents

When drugs or alcohol affect an individual's perception and/or reaction time, accidents become more likely.

9) TREATMENT COVERED BY REQUIRED STUDENT MEDICAL INSURANCE

Massachusetts General Laws, Chapter 15A, Section 18 requires students to participate in the College's student health insurance program, or to certify in writing that they are participating in a health insurance program with comparable coverage.

For general information on benefits see: <https://www.gallagherstudent.com/students/student-home.php?idField=1202>.

This plan provides the following benefits related to drug and alcohol abuse:

Hospital Confinement Benefits

Drug Abuse Benefit – When a covered person is confined in a legally operated and duly accredited public or private facility for the care and treatment of drug abuse, the Company will pay the same benefits provided for other illnesses, not to exceed 30 days for the treatment of drug abuse, subject to the policy aggregate maximum benefit of \$25, 000.00.

Non-Hospital Confinement Benefits

Mental Illness, Alcohol and Drug Abuse Benefit – The Company will pay for treatment by a fully licensed psychiatrist, psychologist, psychiatric nurse, or independent clinical social worker, not to exceed fifty (\$50) per visit, for an aggregate benefit of five hundred dollars (\$500), during the policy period for treatment of a mental or nervous condition or disorder, or for alcoholism or drug

abuse.

10) TREATMENT COVERED BY EMPLOYEE MEDICAL INSURANCE AND EMPLOYEE ASSISTANCE PROGRAM

The State Health Insurance Program(s) provide employee coverage for alcohol and drug abuse benefits. Contact your benefit plan or the Department of Human Resources for information and assistance.

11) BIENNIAL REVIEW OF DAAPP

The College shall conduct a biennial review of these policies and programs and implement changes as necessary. A written report of the biennial review will determine (a) the program's effectiveness; (b) the number of drug and alcohol-related violations and fatalities that occur on the College's campus (as defined in the Clery Act), or as defined as part of any of the College's activities; and are reported to campus officials; the number and type of sanctions that are imposed by the College as a result of drug and alcohol-related violations and fatalities on the College's campus or as part of any of the College's activities; and ensure that sanctions imposed for violations of the standards of conduct addressed by the DAAPP are consistently enforced.

The biennial report be reviewed and signed by the President, a copy shall be retained for three years after the fiscal year in which the report was created. The report shall be made available to the Secretary of Education or to the public, upon request.

- 12) This policy is distributed annually in writing to all students and employees through the following means:
- o Printed and electronic publications, including the College Catalog and Student Handbook
 - o Employee publications and Policy Manual
 - o Clery Act's Annual Security Report
 - o CCCC Website
 - o All student and employee email

**Adopted by Board of Trustees
September 11, 1990**

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