

DRUG FREE COMMUNITY STATEMENT

The Federal Drug-Free Workplace Act of 1988 and the Drug Free Schools and Communities Act and its amendments of 1989 (Public Law 101-226, 20 U.S.C. 1011i) require that all institutions who receive federal funds or any other form of federal financial assistance certify a drug-free environment.

It is the policy of Dickinson College to comply with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 and its amendments (DFSCA). Accordingly, Dickinson College is required to adopt and put into effect programs to prevent the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs or alcohol by students and employees on Dickinson property, at college sponsored activities or events, and to offer anti-drug and alcohol abuse programming.

These federal regulations also require the college to distribute annually to students and employees information which outlines the following:

- The health risks associated with alcohol and drug use and abuse;
- Alcohol and drug abuse resources for students and employees;
- Policies on alcohol and other drugs;
- Information on state, municipal and federal laws and sanctions; and
- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of its on-campus or off-campus activities.

These guidelines are reviewed by Dickinson College annually to determine the effectiveness of the program and consistency of sanction enforcement, in order to identify and implement any necessary changes.

INTRODUCTION

Dickinson College recognizes that illegal or abusive use of alcohol and other drugs by members of the college community has a detrimental effect on the college's commitment to excellence in teaching, research and education. Misuse of drugs by students, faculty and staff members poses hazards both to the individual involved and to the community. Students, faculty and staff share the responsibility for creating attitudes conducive to eliminating the abuse of alcohol and other drugs within the college community.

Dickinson's comprehensive approach to addressing substance abuse emphasizes:

- Taking effective steps to create and maintain a drug-free workplace and educational environment for students, faculty and staff;
- Providing access to medical and behavioral healthcare services, along with referrals to off-campus treatment facilities as appropriate;

- Engaging in a wellness model that focuses on prevention, the development of personal skills and environmental management.
- Encouraging individuals who are diagnosed with at-risk substance abuse disorders or are otherwise experiencing problems associated with alcohol and other drugs to seek assessment and treatment.
- Engaging in ongoing self-assessment of college sanctions for the illegal manufacture, distribution, use or possession of drugs and the unlawful possession or use of alcohol.

This document includes information on:

- The health risks associated with alcohol and other drugs;
- Resources for faculty, staff and students;
- College drug and alcohol policies which address standards of conduct and sanctions for faculty, staff, and students; and
- Information on state and federal laws related to violations.

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND OTHER DRUGS

All drugs, including alcohol, have well-documented risks which may affect not only substance users but also the user's peers, family, friends and communities. General effects of substance use and/or abuse include impaired brain functioning; compromised job or academic performance; relationship difficulties; physical or verbal aggression; financial distress; physical injuries or accidents; legal or campus sanctions; willfully destroying property; and death.

The following summaries describe some of the additional substance-specific risks associated with the use and misuse of alcohol and other substances.

Sources: <https://www.drugabuse.gov/drugs-abuse> and <https://www.dea.gov/factsheets>

Alcohol

Alcohol is a central nervous system depressant that is absorbed into the bloodstream and transmitted to all parts of the body. The NIAAA recommends that men drink no more than 4 standard drinks per day or 14 drinks per week. The recommendation for women is no more than 3 standard drinks per day or 7 drinks per week. A standard drink is defined as: 12-ounces of beer, 1.5 ounces of liquor, or 5 ounces of wine. Drinking at levels above the recommended guidelines is considered high-risk drinking. Specific effects on the body are outlined below.

Brain

Alcohol consumption can cause drowsiness, changes in mood and behavior, memory loss or blackouts, or seizures because it causes your neurotransmitters to relay information too slowly. Long-term, heavy alcohol use can shrink brain mass and

subsequently interfere with sleep, mood, cognitive functioning, temperature regulation, and motor coordination.

Lungs

The “alcoholic lung” refers to severe oxidative stress that may predispose those who abuse alcohol to lung infections.

Heart

Long-term alcohol use causes alcoholic cardiomyopathy, which is a condition marked by a weakened heart muscle that can cause fatigue, shortness of breath, irregular heartbeat, or swollen legs/feet. Both heavy drinking and long-term drinking can cause abnormal heart rates called arrhythmias and lead to strokes. Chronic alcohol use and heavy drinking can cause high blood pressure or hypertension. Alcohol exacerbates the medical conditions that often lead to strokes (e.g., hypertension, arrhythmias, and cardiomyopathy).

Liver

Heavy, chronic alcohol use can make the liver fatty, which in turn causes alcoholic hepatitis. Cirrhosis of the liver is another possible complication.

Stomach

Alcohol can irritate your stomach and chronic use can damage the stomach lining. Possible health consequences include ulcers, gastritis (inflammation of the stomach lining), and bleeding.

Kidney

Heavy or chronic alcohol consumption can interfere with kidney function directly or indirectly due to liver disease. In addition, alcohol can have the diuretic effect of increasing urine output. This in turn can disturb the electrolyte balance and cause dehydration.

Pancreas

Alcohol causes the pancreas to secrete enzymes internally, harming the pancreas. Excessive, long-term alcohol use can cause inflammation (pancreatitis) and swelling of tissues and blood vessels.

THC and other Cannabinoids

THC is a mind-altering substance derived from the Cannabis Sativa or Cannabis Indica plants. THC is in marijuana, marijuana extracts, and resins. Short-term effects include impaired short-term memory, altered sensory experiences, a distorted sense of time, and decreased motor coordination. At high doses, psychotic symptoms are possible (e.g.,

hallucinations and delusions). Long-term effects on the brain can include impaired thinking, learning, and memory. Physical health effects from marijuana use are increased heart rate, breathing problems, reproductive system changes, and intense nausea and vomiting in long-term, heavy users.

Cocaine and Other Stimulants

Stimulants speed up your body's systems. Stimulants include cocaine, ADHD prescription medications such as Adderall, Dexedrine, and Ritalin; diet pills; and methamphetamine.

Cocaine is a stimulant drug made from the leaves of the coca plant. Short-term effects of use include dilated pupils, constricted blood vessels, increased blood pressure, higher body temperature, nausea, fast or irregular heart rate, muscle twitches or tremors, restlessness and irritability, euphoria, high energy, hypersensitivity to sound, sight or touch, and paranoia. Cocaine's effects appear almost immediately and disappear within a few minutes to an hour. Long-term effects can include problems swallowing, nosebleeds, loss of smell, and frequent runny nose in those who snort cocaine. Those who smoke might experience lung-related problems such as cough, asthma, or greater risk for lung infections. Those who inject might experience skin and soft tissue infections and greater risk for diseases like HIV. Those who use orally could experience bowel decay.

Amphetamines are prescription medications that have similar effects to cocaine except that they last longer. They can cause increased blood pressure, higher heart rates, decreased appetite, insomnia, and physical exhaustion. Taking amphetamines not prescribed to you or in ways not prescribed is abuse. Chronic abuse can manifest in symptoms such as paranoia, skin picking, hallucinations, or erratic behavior.

Depressants

Depressants can decrease anxiety, induce sleep, prevent seizures, and relieve muscle spasms. Specific types of depressants include barbiturates, Benzodiazepines including Rohypnol (anti-anxiety medications), GHB, and sedative-hypnotic sleep medications (e.g., Lunesta or Ambien). Taking depressants not prescribed to you or in ways not prescribed is abuse. Short-term effects include sleepiness, decreased anxiety, slower reaction time, impaired judgment, and confusion. Other effects include dizziness, low blood pressure, slowed breathing, lightheadedness, slurred speech, weakness, loss of coordination, headache, blurred vision, and nausea and vomiting.

Hallucinogens

Hallucinogens are found in plants or synthetically made. PCP, LSD, MDMA/Ecstasy, and ketamine are types of hallucinogens. They cause perceptual distortions related to space and time. Dilated pupils, increased blood pressure and heart rate, panic, anxiety, confusion or suspicion, and flashbacks are possible effects of use.

Inhalants

Inhalants (sprays, solvents, glue) are chemicals inhaled or “huffed” that produce anesthetic-like effects. These effects include slurred speech, dizziness, loss, of consciousness, euphoria, lack of motor coordination, slight stimulation, and lowered inhibition. Long-term effects include disorientation, muscle weakness, weight loss, mood changes (depression and irritability), and loss of consciousness.

Opioids

Opioids include heroin and prescription pain medications such as codeine, morphine, Vicodin, OxyContin, methadone, and fentanyl. Short-term effects include pain relief, slowed movement, facial and neck flushing, constipation, slowed breathing, nausea and vomiting, and pupil constriction. Overdose and addiction are risks associated with opioid use.

DRUG/ALCOHOL ABUSE RESOURCES

Student Resources

Assessment, Education and Treatment

Wellness Center: provides counseling, assessment, and campus-wide psychoeducational programming for drug and alcohol use. The Wellness Center employs an Alcohol and Other Drug (AOD) Services Coordinator, who oversees a peer educator program focused on prevention of alcohol and drug abuse.

START Program: Incoming and transfer students are required to complete the START Learning Program for Higher Education prior to the start of their first semester. The START Program is a series of well-researched educational programs for adults committed to thinking about their life choices and values. The START Program is an online program which includes modules aimed at reducing campus sexual assault, dating/domestic violence and stalking; empowering bystanders of potentially violent situations to intervene before the violence occurs; and educating students about alcohol, drugs and their effects. “Alcohol: How Do You Measure Up?” is an assessment tool in the START Program which demonstrates some of the costs of alcohol consumption, and lets students examine their drinking habits and compare them to their peers.

Assistance, Treatment, Support and Community Resources

Emergency Assistance:

- On-campus call 1111 717-245-1111
- Off-campus call 911

On-campus Medical and Mental Health Treatment:

- Wellness Center 717-245-1663

CARE Team: The CARE (Coordination, Assessment, Response, and Education) Team exists to address potentially unsafe situations or behaviors that disrupt a student's academic or social wellbeing within the Dickinson community. The College

hopes to intervene early to help students showing signs of distress or engaging in harmful or disruptive behaviors. The team reviews individual cases and coordinates an appropriate action plan for response. Members of the community who SEE SOMETHING of concern, are encouraged to SAY SOMETHING by alerting the CARE Team.

https://cm.maxient.com/reportingform.php?DickinsonCollege&layout_id=4

Community Resources:

- UPMC Pinnacle Carlisle 717-249-1212
- Geisinger Holy Spirit Hospital 717-763-2100
- Roxbury Treatment Center 1-800-648-4673
 - Inpatient Substance Abuse Program
 - Outpatient Substance Abuse Program
- Alcoholics Anonymous 717-249-6673
<http://www.aaharrisburg.org/>
- Al-Anon Family Groups: <https://al-anon.org/al-anon-meetings/>
- Marijuana Anonymous: <https://www.marijuana-anonymous.org/>
- Narcotics Anonymous: <https://www.na.org/>
- Stevens Drug and Alcohol Services 717-243-6033
- <https://www.findtreatment.samhsa.gov/>

Faculty and Staff Resources

Assessment, Education and Treatment

If an employee has concerns about drug or alcohol use – their own or others – they may want to consult with the college’s Employee Assistance Program (EAP). Full-time and part-time employees and their eligible dependents may use the college’s EAP. Through professional psychologists, the EAP provides confidential advice and counseling on personal matters. The EAP professionals can assist an employee and any eligible dependents with problems, including, but not limited to, alcoholism and drug abuse. This service is completely confidential.

- Franco Psychological Associates, PC 717-243-1896
26 State Avenue Carlisle, PA <http://www.francopsychological.com/>
- Reliance Standard 855-775-4357
(855-RSL-HELP) or rsli@acieap.com
- Online drug and alcohol educational materials are available for all employees via Totara at <https://totara.dickinson.edu/>

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ALCOHOL AND OTHER DRUG POLICIES

A. Students

Drug and Alcohol Policy: https://www.dickinson.edu/download/downloads/id/9488/2018-2019_student_handbook.pdf

Drugs: Illicit Drugs are controlled substances that possess a high potential for abuse, have no currently accepted medical use in the United States and demonstrate a lack of accepted safety for use under medical supervision. Controlled substances so defined fall under seven headings: marijuana (marijuana, hashish); stimulants (amphetamines, cocaine); depressants (barbiturates, tranquilizers, hypnotics); hallucinogens (LSD, PCP); opiates or narcotics (heroin, morphine, opium, codeine); inhalants (sprays, solvents, glue); and designer drugs (synthetic drugs similar in effect to stimulants, hallucinogens and narcotics). To be used legally and safely, some of the drugs above must be prescribed by a physician. This list is not comprehensive; there may be substances omitted that are also illegal and fall under the designation of controlled substances.

Dickinson College prohibits the unlawful manufacture, cultivation, possession, distribution, dispensation and use of any drug by any member of the college community on any college-owned property, at any college activity or activity offered by an organization recognized by the college, or during any college-sponsored event or travel.

The possession of unlawful drug paraphernalia is also prohibited.

While the possession and use of marijuana for medical purposes is legal under Pennsylvania law, the manufacture, possession, distribution, dispensing and use of marijuana and products containing THC remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or

possession of marijuana, even for medical purposes, continues to be prohibited while a student is on college owned or college controlled property, and/or at any function hosted, authorized or supervised by the college regardless of where held. The use, distribution, sale, manufacture, or possession of Delta-8, Delta-9, Delta-10, or any other cannabinoids which contain THC, regardless of whether they are produced naturally or synthetically, are prohibited.

Alcohol: Alcohol, the shortened term for ethyl alcohol, is a depressant that slows the activity of the central nervous system and the brain. Alcohol is a substance regulated by local, state and federal agencies with respect to its purchase, transportation, consumption and possession.

Dickinson College prohibits the use, sale, provision, and distribution of alcohol, except as permitted by law, on any college-owned property, at any college activity or activity offered by an organization recognized by the college, or during any college-sponsored event or travel. The following items and activities are also prohibited on any college-owned property, at any college activity or activity offered by an organization recognized by the college, or during any college-sponsored event or travel:

- Underage possession or consumption – A person under the legal drinking age may not possess, consume, or be under the influence of alcohol.
- Drinking games – Any activity or game that promotes or encourages the consumption of large amounts of alcohol is prohibited, including but not limited to, activities such as beer pong, quarters, and flip cups.
- Alcohol Paraphernalia – The possession of materials used in drinking games or activities that promote or encourage the consumption of large amounts of alcohol is prohibited, including but not limited to beer pong tables, beer funnels, and beer bongs.
- Hosting Underage Guests – Students are prohibited from serving alcohol to underage guests and must have the service of alcohol monitored by a TIPS-trained bartender. If students under the legal drinking age are found to be in a location where alcohol is being consumed, the college will presume that the underage students are in the possession of and have been consuming alcohol.
- Public Intoxication – Creating a disturbance to any member of the college community, college officials, or law enforcement while under the influence of alcohol is prohibited.
- Hosting/Attending an Unregistered Event – Any event with alcohol and five (5) or more guests, in addition to the residents, must be registered. Hosting or attending an unregistered event that is required to be registered is prohibited.
- Large Volume Containers – Kegs, beer party balls, punch bowls, or other large volume containers of alcohol are prohibited unless pre-authorized by the Office of Student Leadership & Campus Engagement.
- Multiple Locations – Events or activities, whether formally or informally organized, which encourage persons to consume alcohol in three or more places or encourage the consumption of large amounts of alcohol are prohibited, including but not limited to “Around the World” or “Progressive” parties.
- Other Dangerous Conduct – The consumption of quantities of alcohol or the sustained consumption of alcohol that interferes with a person’s participation

in the college community and/or that pose a risk to the health or safety of students or others is prohibited.

Because issues around the use, misuse, and abuse of alcohol have an impact on the academic and social success of students, the college expects that students who are legally eligible to drink will use alcohol responsibly and in a manner that does not put underage students at risk. Additionally, the host of any event at which alcohol is provided is responsible for complying with applicable laws and policies of the college. The “host” is the person, persons, or organization who provides the food, beverages, or accommodations for any activity. The college reserves the right to prohibit or restrict consumption of alcohol at certain events and in certain facilities.

Community Standards:

https://www.dickinson.edu/download/downloads/id/963/community_standards.pdf

Maintaining a civil, safe and respectful environment in which learning can best occur is the responsibility of all members of our community. Below you will find descriptions of specific departures of the community standards related to alcohol and other drugs that will be addressed through our student conduct system.

- Adulteration of Food and/or Beverage - The intentional placement of drugs or other illicit substances into the food or beverage to be consumed by others, and without their knowledge and consent.
- Drugs - The possession, use, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, use, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited by federal, state or local drug laws (NOTE: The intention to distribute, sell or transfer drugs may be inferred from the quantity and/or types of drugs involved). Effective August 2011, Pennsylvania added certain synthetic substances to the list of drugs and substances it is illegal to possess, use or sale. These include chemical substances contained in bath salts, synthetic marijuana, or other synthetic drugs including, but not limited to, salvia and 2C-E.
- Alcohol - The possession, use, sale, provision and/or distribution of alcohol, except as permitted by law, is a violation of the Dickinson College Community Standards as well as a possible violation of local, state and/or federal laws. Students are expected to comply with the Alcohol policy as outlined in the Student Handbook.
- Drug Paraphernalia - The possession and/or use of any paraphernalia which is prohibited by federal, state or local drug laws is a violation of the Dickinson College Community Standards.

Alcohol and Drug Amnesty: While the College expects all students to adhere to its Community Standards, there are times when health and safety issues take precedence over

conduct standards and students are encouraged to put their health and safety or the health and safety of others above all other concerns. The College encourages reporting of health and safety emergencies and seeks to remove any barriers to reporting by providing limited amnesty for individuals who report such emergencies.

Consequently, when a student in need of immediate medical assistance to prevent his or her own death or serious injury or that of another person contacts DPS, calls 911 or contacts Residential Life, neither the reporting student nor the student at risk will be held responsible for his or her own consumption or possession of alcoholic beverages or drugs provided:

- The reporting student reasonably believed s/he was the first person to make a call to DPS, 911 or Residence Life;
- The reporting student provides his/her own name when making the report, and
- The reporting student remains with the person needing medical assistance until help arrives.

This offer of amnesty refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the College's drug and alcohol standards and expectations. It applies only to cases of suspected extreme intoxication or other life-threatening circumstances due to alcohol or drug use and does not extend to related infractions such as assault or property damage. Although student or student organizations covered under this policy will not be subject to the conduct process, individuals involved will be required to meet with an administrator to discuss the incident and may be required to complete educational sessions and/or a substance use assessment. The incident may also result in notification of parent(s) or guardian(s). This policy only covers how the College will respond to students who could be involved in our student conduct process and does not cover criminal charges that could result from law enforcement based on the incident.

College Discipline:

Dickinson College will impose disciplinary sanctions on members of the college community for violations of the College's Standards of Conduct regarding drugs and alcohol. The outcomes which may be imposed individually or in combination on a student or organization found to have violated the Community Standards include, but are not limited to, the following:

Assessment and/or Treatment Referral to the Wellness Center or approved off-campus agencies for various assessments, evaluations and/or treatment. This includes but is not limited to: substance abuse assessment and/or treatment, anger management evaluation and/or treatment, and conflict mediation.

Restrictions on Participation or Use Restrictions on participation include the revocation, or the loss for a stated period of time or under a stated set of conditions, of a student's ability to participate in certain College approved activities, including but not limited to varsity sports, clubs, organizations (including but not limited to Greek organizations) or leadership positions with such sports, clubs and organizations.

Restrictions on use include the denial of access to, or use of, certain College facilities, programs or equipment for a stated period of time or under a stated set of conditions.

Parental Notification Disclosure to a parent that the student has been found responsible for a violation of the alcohol and/or drug provisions of the Community Standards. This is a typical sanction for an alcohol and/or drug violation.

Warnings, suspension, or expulsion. Violations involving the possession, use, distribution, manufacture, cultivation, or sale of drugs are of such a serious nature that they are likely to result in the suspension or expulsion of a student.

In addition to any college discipline, the college may refer any violation of this policy to law enforcement agencies for prosecution or other action. The college will cooperate fully with law enforcement agencies regarding any unlawful conduct involving drugs or alcohol.

Studying Abroad: Students who declare an interest in studying abroad through the Center for Global Study and Engagement (CGSE) are subject to a conduct record check. Information that will be shared with the CGSE includes but is not limited to; violations that resulted in the suspension of the student, violations that resulted in a student being placed on stayed suspension or conduct probation, violations involving illicit drugs or drug paraphernalia, sexual harassment, sexual offenses, other acts of violence, and major damage to property. It is within the sole discretion of the College, through the CGSE and the CGSE Conduct Committee, to determine whether a student who has violated College policy and/or the Community Standards is eligible to study abroad. Consideration and qualification for study off-campus are not disciplinary determinations but may be affected by a student's disciplinary record.

A person who violates any law governing illicit drugs and alcohol is subject to criminal sanctions provided by law. In addition, a student who is convicted of any offense under state or federal law involving the possession or sale of a controlled substance will not be eligible to receive certain kinds of financial aid. (See "Suspension of Financial Aid Eligibility for Drug-Related Offenses" in the Student Handbook).

B. Faculty and Staff

When problems arise due to alcohol and other drug use and abuse, the college's goal is to provide employees, whenever possible, with options for assessment, recommendations, counseling, referrals and/or treatment. If a faculty or staff member violates college policy the individual may be subject to college disciplinary sanctions up to and including dismissal, in addition to federal and legal action and penalties. Self-referral and early detection and referral are critical to the rehabilitation of employees.

Drug Free College Policy: Dickinson College prohibits administrators, faculty and staff from engaging in any of the following activity:

- The unlawful manufacture, cultivation, possession, distribution, dispensation, and use of any drug on any college-owned property, at any college activity or activity offered by an organization recognized by the college, or during any college-sponsored event or travel.
- The possession of unlawful drug paraphernalia.
- Reporting to work under the influence of alcohol, illegal drugs or illegal use of controlled substances. "Under the influence" means that the employee is affected by alcohol or drugs or the combination of both in any detectable manner. This may be established by professional opinion, a scientifically valid test, or, in some cases, by observation of impairment of physical or mental ability, such as slurring of speech, difficulty in maintaining balance, etc. With respect to alcohol, an employee is under the influence if the employee's blood alcohol level is 0.04 or greater.
- Refusing to submit to any alcohol or drug test conducted under this Policy.
- Hosting any event where alcohol is provided and puts underage students at risk. Additionally, the host of any event at which alcohol is provided is responsible for complying with applicable laws and policies of the college. The "host" is the person, persons, or organization who provides the food, beverages, or accommodations for any activity. The college reserves the right to prohibit or restrict consumption of alcohol at certain events and in certain facilities.

While the possession and use of marijuana for medical purposes is legal under Pennsylvania law, the manufacture, possession, distribution, dispensing and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana, even for medical purposes, continues to be prohibited while an employee is on college owned or college controlled property, and/or at any function hosted, authorized or supervised by the college regardless of where held. The use, distribution, sale, manufacture, or possession of Delta-8, Delta-9, Delta-10, or any other cannabinoids which contain THC, regardless of whether they are produced naturally or synthetically, are prohibited.

Reasonable Suspicion Drug and Alcohol Testing

When the college has reason to suspect illegal drug or alcohol use in violation of this policy, the college will require the employee(s) to submit to drug and/or alcohol testing. This may exist in a variety of circumstances, including but not limited to:

- (1) where an employee manifests physical or behavioral symptoms or reactions of being under the influence commonly attributed to the use of illegal drugs or alcohol, which could include appearance, conduct, speech, or odor, or
- (2) the college otherwise receives reliable information indicating that an employee or group of employees may be engaging in conduct that violates this policy.

Reasonable suspicion that a person is under the influence will be determined by college management which includes:

- (1) supervisors or department chairs in consultation with the leader of a particular division or his or her designee, or
- (2) the leader of a division or his or her designee.

**Nothing in this policy is intended to supersede employment policies setting higher expectations and standards for employment-related alcohol and drug use based upon specific requirements of various positions. Positions where higher standards may be in place include but are not limited to those involving the operation of heavy equipment, child care positions, and employees in the Department of Public Safety.*

Pre-employment, Post Accident and Follow Up Drug and Alcohol Testing

The college may require pre-employment drug and alcohol testing prior to employment for certain safety sensitive positions. The college may require post-accident or incident drug and alcohol testing in any instance in which serious injury or loss of property occur, or serious behavioral or performance deficiencies are observed. The college may require follow up drug and alcohol testing as a condition of continued employment in instances where this Policy has been violated.

Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the college will be grounds for refusal to hire applicants, and for discipline of employees, up to and including termination of employment. A "refusal to test" is defined as any conduct that would obstruct the proper administration of a test. A delay in providing a breath or urine specimen may constitute a refusal. If an individual cannot provide a sufficient urine specimen or adequate breath, he or she will be evaluated by a physician of the college's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either urine or breath), the individual will be considered to have refused to test.

Reporting Violations

Employees are required to immediately report any violation of this policy to their immediate supervisor. An employee who fails to report such a violation is subject to disciplinary action, up to and including termination of employment. Employees must notify their immediate supervisor within five (5) days, of any conviction for violation of an alcohol or drug offense.

Inspection of Work Areas, Possessions, and Vehicles

Where the college has reason to suspect that an employee is in violation of this policy, he or she may be asked to submit immediately to a search of his or her person and/or to make his or her work areas, briefcase, purse, packages, personal belongings, desk, vehicles, or any other receptacle he or she uses or has access to, available for inspection. Such search or inspection typically will be conducted in the presence of at least one witness other than the college representative performing the search or inspection. Entry onto college premises (including parking lots) constitutes consent to search and inspection. Refusal to consent to search or inspection shall be considered grounds for which an employee may be disciplined, up to and including termination of employment.

Consequences of Policy Violation

Any employee who engages in prohibited conduct as set forth herein will be subject to disciplinary action, up to and including termination of employment. The employment of any

individual who tests positive for alcohol and/or illegal drugs, or who refuses a test under this policy, will be subject to disciplinary action, up to and including termination of employment. Under appropriate circumstances, counseling and treatment may be options considered for violations of this policy. Any discipline imposed under this policy will be determined in compliance with the requirements set forth in the Employee and/or the Academic Handbook, as applicable.

Dickinson College will impose disciplinary sanctions on members of the college community for violations of the College's Standards of Conduct regarding drugs and alcohol. Potential sanctions for violations of this policy include but are not limited to, warnings, assessment/treatment, suspension with or without pay, and discharge. Violations involving the possession, use, distribution, manufacture, cultivation, or sale of drugs are of such a serious nature that they are likely to result in the discharge of a college employee.

In addition to any college discipline, the college may refer any violation of this policy to law enforcement agencies for prosecution or other action. The college will cooperate fully with law enforcement agencies regarding any unlawful conduct involving drugs or alcohol.

Special requirements for those working on or with federal contracts and grants

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that college employees directly engaged in the performance of work on a federal contract or grant must abide by this policy as a condition of employment.

Dickinson's Sponsored Projects Office must be notified within five (5) calendar days if an employee working on a contract or grant supported by federal funds is convicted of any criminal drug statute violation occurring in the workplace or while on college business. The college is required to notify the federal contracting or granting agency within 10 calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment and approved substance abuse assistance or rehabilitation programs within 30 calendar days of having received notice of such conviction.

LEGAL SANCTIONS

The following provisions of law serve as the foundation for the college's policy on the unlawful use of alcohol and drugs, including college disciplinary action. (Note: this list is not a complete summary of relevant laws, ordinances or penalties.)

- **Pennsylvania Underage Drinking Law**

A person under 21 commits a summary offense if they attempt to purchase, purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages.

A person convicted of violating this law may be sentenced to pay a fine of not more than \$500 for the first violation and not more than \$1000 for the second and subsequent violation. In addition, whenever a person is convicted under this law, the court shall order the motor vehicle operating privilege of the person suspended. The

duration of the suspension will be 90 days for a first offense, one year for a second offense, and two years for third or subsequent offenses.

Source: 18 Pa. C.S. 6308 and 18 Pa. C.S. 6310.4

- **Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors**

A person commits a misdemeanor of the third degree if they intentionally and knowingly sell or intentionally and knowingly furnish or purchase with the intent to sell or furnish, any liquor or malt or brewed beverage to a person who is less than 21 years of age.

A person convicted of violating this law shall be sentenced to pay a fine of not less than \$1000 for the first violation and a fine of \$2500 for each subsequent violation

Source: 18 Pa. C.S. 6310.1

- **Carrying a False Identification Card**

A person commits a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation if they, being under 21 years of age, possess an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years of age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possess the card.

In addition to a loss of motor vehicle operating privileges as defined in Pa. C.S. 6310.4, a person convicted of violating this law shall be sentenced to pay a fine of not more than \$500 for the second and subsequent violations.

Source: 18 Pa. C.S. 6310.3

- **Public Drunkenness**

A person is guilty of a summary offense if they appear in any public place manifestly under the influence of alcohol or a controlled substance to the degree that they may endanger themselves or other persons or property, or annoy persons in their vicinity.

A person convicted of violating this law may be sentenced to pay a fine of not more than \$500 for the first violation and not more than \$1000 for the second and subsequent violation.

Source: 18 Pa. C.S. 5505

- **Driving Under the Influence of Alcohol or a Controlled Substance (D.U.I.)**

- a. *General Impairment*

(1) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

- (2) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% but less than 0.10% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.
- b. *High rate of alcohol* – An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.
- c. *Highest rate of alcohol* - An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.
- d. *Controlled substances* - An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:
- (1) There is in the individual's blood any amount of a Schedule I controlled substance, a Schedule II or Schedule III controlled substance which has not been medically prescribed for the individual; or the individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of a vehicle; or the individual is under the influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of a vehicle; or the individual is under the influence of a solvent or noxious substance in violation of Pennsylvania law relating to sale or illegal use of certain solvents and noxious substances.
- e. *Minors* – A minor may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is 0.025 or higher within two hours after the minor has driven, operated or been in actual physical control of the movement of a vehicle.

Penalties for Driving Under the Influence of Alcohol or a Controlled Substance

- a. *General Impairment* [Undetermined to 0.099% Blood Alcohol Content (BAC)] – For a first offense undergo a mandatory minimum of six months' probation; pay a fine of \$300; attend an alcohol highway safety school; and comply with all drug and alcohol treatment requirements imposed by the court.

For a second offense undergo imprisonment for not less than 5 days; pay a fine of not less than \$2500; attend an alcohol highway safety school; and comply with all drug and alcohol treatment requirements imposed by the court.

For a third or subsequent offense undergo imprisonment of not less than 10 days; pay a fine of not less than \$500 and not more than \$5000; and comply with all drug and alcohol treatment requirements imposed by the court.

- b. *High Rate of Alcohol; Minors; Commercial Vehicles and School Vehicles* – For a first offense undergo imprisonment of not less than 48 consecutive hours; pay a fine of not less than \$500 and not more than \$5000; attend an alcohol highway safety school; and comply with all drug and alcohol treatment requirements imposed by the court.

For a second offense undergo imprisonment for not less than 30 days; pay a fine of not less than \$750 and not more than \$5000; attend an alcohol highway safety school; and comply with all drug and alcohol treatment requirements imposed by the court.

For a third offense undergo imprisonment of not less than 90 days; pay a fine of not less than \$1500 and not more than \$10,000; and comply with all drug and alcohol treatment requirements imposed by the court.

For a fourth or subsequent offense undergo imprisonment of not less than one year; pay a fine of not less than \$1500 and not more than \$10,000; and comply with all drug and alcohol treatment requirements imposed by the court.

**Under the law minors, commercial drivers, school vehicle or bus drivers, and offenders involved in an accident that injures someone or causes property damage may be subject to the high BAC penalties even if their BAC is not in the high category.*

- c. *Incapacity; Highest Blood Alcohol; Controlled Substances* - For a first offense undergo imprisonment of not less than 72 consecutive hours; pay a fine of not less than \$1000 and not more than \$5000; attend an alcohol highway safety school; and comply with all drug and alcohol treatment requirements imposed by the court.

For a second offense undergo imprisonment for not less than 90 days; pay a fine of not less than \$1500; attend an alcohol highway safety school; and comply with all drug and alcohol treatment requirements imposed by the court.

For a third or subsequent offense undergo imprisonment of not less than one year; pay a fine of not less than \$2500; and comply with all drug and alcohol treatment requirements imposed by the court.

**Individuals who refuse breath or chemical testing may be subject to the highest BAC penalties.*

Source: 75 Pa. C.S. 3802 and 75 Pa C.S. 3804

- **Possession of a Controlled Substance**

The following acts are prohibited under Pennsylvania law: the manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance, other drug, device or cosmetic that is adulterated or misbranded.

A person convicted of violating this law shall be guilty of a misdemeanor and be sentenced to imprisonment not exceeding one year or to pay a fine not exceeding \$5000, or both. Subsequent convictions will result in a greater length of imprisonment and an increased fine.

Source: 35 Pa. C.S. 780-113(a)(1)

- **Manufacture, Delivery or Possession with Intent to Deliver Controlled Substances**

The manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under the law, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance is prohibited.

A person convicted of violating this law shall be guilty of a felony and shall be sentenced to imprisonment of three to fifteen years, or to pay a fine of \$10,000 to \$250,000 or both depending on the Schedule of the drug in question.

Source: 35 Pa. 780-113(a)(30)

- **Possession of a Small Amount of Marijuana**

Possession of marijuana (even in a small amount or an amount for personal use) is prohibited. For the purposes of this law, a small amount of marijuana is considered marijuana 30 grams or less, or hashish of 8 grams or less.

A person convicted of violating this law shall be guilty of a misdemeanor and may be sentenced to imprisonment up to 30 days, a fine of no more than \$500, or both.

Source: 35 Pa. C.S. 780-113(a)(31)

- **Possession of Drug Paraphernalia**

The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance is prohibited.

A person convicted of a violation of this law shall be guilty of a misdemeanor and may be sentenced to imprisonment up to 1 year, a fine of no more than \$2500, or both.

Source: 35 Pa. C.S. 780-113(a)(32)

**Pennsylvania law, specifically 18 Pa. C.S. 7508, addresses mandatory minimum sentences for drug trafficking crimes. Mandatory minimum sentences under PA law provide little flexibility upon conviction. There are also additional factors that may amplify or aggravate sentencing, such as possession of a firearm.*

Driver's License Suspension for Drug Crimes in Pennsylvania

There are certain criminal offenses in Pennsylvania that carry a suspension of an individual's driver's license as part of the penalty for that criminal offense, including some non-driving-related criminal offenses. Some common examples of criminal offenses that carry license suspension as part of the penalty include any offense under the PA Controlled Substance, Drug, Device and Cosmetic Act. Suspension of a driver's license is part of a separate administrative proceeding handled by the PA Department of Transportation (PennDOT).

ADDITIONAL RESOURCES

Drug Enforcement Agency Resource Guide 2017 Edition: Drugs of Abuse
https://www.dea.gov/sites/default/files/drug_of_abuse.pdf

Drug Enforcement Agency Resource: Campus Drug Prevention website:
<https://www.campusdrugprevention.gov/>

Drug Enforcement Agency List of Controlled Substances:
https://www.dea.gov/sites/default/files/2017-08/controlled_substances.pdf

Drug Enforcement Agency Drug Facts and Scheduling: <https://www.dea.gov/drug-scheduling>

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