

DRUG-FREE SCHOOLS AND COMMUNITIES ACT



Presented by

Rivier University

Department of Public Safety and Security

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The *Drug-Free Schools and Communities Act of 1989* (Public Law 101-226, 20 U.S.C. 1011i), and its implementing regulations (34 C.F.R. Part 86) requires that an institution of higher education that receives Federal Funding certify to the Secretary of Education that it has adopted and implemented a drug and alcohol abuse prevention program (DAAPP) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities.

ALCOHOL AND ILLEGAL DRUGS

Rivier University is committed to maintaining an environment of teaching and learning that is free of illicit drugs and alcohol. For many years, the University has had in place a policy to assist those with substance abuse, and a list of agencies available to support faculty, staff, and students is provided in various offices such as the Counseling and Wellness Center and the Office of Human Resources. The Drug-Free Schools and Communities Act Amendments of 1989 require that Rivier, as a recipient of federal funds, including federally-provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of illicit drugs and alcohol on University property is prohibited.

In compliance with the requirements of the Drug Free Schools and Communities Act Amendments of 1989, all students and employees of Rivier University are notified of the following:

- 1) The unlawful possession, use, and distribution of illicit drugs and alcohol on the University campus or during University sponsored activities are prohibited.
- 2) Students and employees who are found to be in violation of this stated prohibition may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the State of New Hampshire, or the United States. Conviction can result in sanctions including probation, fines and imprisonment.
- 3) Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with the procedures of the Student Conduct System. Discipline may include disciplinary probation, eviction from University housing or dismissal from the University.
- 4) Faculty and staff employees who are found to be in violation of this stated prohibition are subject to discipline in accordance with the applicable University employment rules and procedures. Discipline may include probation, suspension, or termination of employment. In addition to the above requirements, and in accordance with the requirements of the Drug-Free Workplace Act of 1988, all employees are notified that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by University employees on University premises or off our premises while conducting University business is prohibited. Violation of this policy will result in disciplinary action, up to and including termination and may have further legal consequences.

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of Federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

A. Denial of Federal Benefits 21 U.S.C. 862

A Federal Drug Conviction may result in the loss of Federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal Drug Trafficking convictions may result in denial of Federal Benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of Federal benefits for a third conviction. Federal Drug convictions for possession may result in denial of Federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

B. Forfeiture of Personal Property and Real Estate 21 U.S.C. 853

Any person convicted of a Federal drug offense punishable by more than 1 year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal

belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

C. Federal Drug Trafficking Penalties 21 U.S.C. 841

Penalties for Federal Drug Trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on Federal charges of drug trafficking within 1,000 feet of a University (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

D. Federal Drug Possession Penalties

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

New Hampshire State Laws

The legal drinking age in New Hampshire is 21. If you are under 21, it is illegal to

- (1) Have in your personal possession any alcoholic beverages,
- (2) Misrepresent your age for purpose of obtaining alcoholic beverages,
- (3) Drive in a car having alcoholic beverages except when accompanied by a parent, step-parent, grandparent, step grandparent, legal aged sibling, guardian, or spouse 21 years of age,
- (4) Be in an area where alcoholic beverages are served unless accompanied by person 21 years of age.

Penalty: fine and/or jail sentence.

It is illegal for anyone to

- (1) Sell, give away or procure alcoholic beverage to a minor or individual who is intoxicated
- (2) Charge for alcoholic beverages without a license
- (3) Manufacture, sell, possess or use a falsified ID
- (4) To lend a driver’s license to be used for unlawful purpose. Penalty: fine and/or jail sentences.

Penalty: fine and/or jail sentence.

Substance	Amount	Penalty – First Conviction
Heroin	1 kg or more	Prison: not less than 10 years, Not more than life. Fine: up to \$4 million.
Cocaine	5 kg or more	
Crack Cocaine	50 gm or more	
Methamphetamine	100 gm or more	

PCP	100 gm or more	
LSD	10 gm or more	
Marijuana	1000 kg or more	
Heroin	100-999 gm	Prison: not less than 5 years, Not more than 40 years. Fine: up to \$2 million.
Cocaine	500-4,999 gm	
Crack Cocaine	5-49 gm	
Methamphetamine	10-99 gm	
PCP	10-99 gm	
LSD	1-10 gm	
Marijuana	100-1000 kg	
Amphetamines	Any amount	Prison: up to 5 years. Fine: up to \$250,000
Barbiturates	Any amount	
Marijuana	50-100 kg	Prison: up to 20 years. Fine: up to \$1 million
Hashish	10-100 kg	
Hash Oil	1-100 kg	
Marijuana	Less than 50 kg	Prison: up to 5 years. Fine: up to \$250,000
Hashish	Less than 10 kg	
Hash Oil	Less than 1 kg	

(DWI) Driving While Intoxicated and Driving Under the Influence (DUI)

You may be found guilty of DWI if you drive a vehicle while you have a 0.08% blood alcohol concentration if 21 years of age or 0.02% if under the age of 21.

Unlawful Possession

Any person under 21 years of age who has in their possession any alcoholic beverages is guilty of a violation and will be fined a minimum of \$250. Any second and/or subsequent offenses will be fined at least \$500.

A penalty assessment fee of 17% will be added to the above fines.

If you are under the age of 21 and are found guilty of illegal possession of alcohol you will be given a probationary driver's license until 21 years of age. Any subsequent alcohol violations will result in suspension of driver's license.

It is a violation for a minor not only to possess alcohol, but also to be intoxicated or have a BAC level of .02 or more (internal possession of alcohol). Penalty: a fine and may suspend driver's license or privilege to drive.

Keg Registration Law

Law requires sellers of keg beer to create a record of purchases and to obtain the identity of the purchaser. Sellers will attach a unique label to the retail keg which will enable law enforcement to determine the identity of the seller as well as the purchaser. If contents of the keg are consumed by a minor, law enforcement will

have an avenue to identify the purchaser of the keg. Any person who removes the label shall be guilty of a violation which is punishable by a \$1,000 fine.

Rivier University Policy Governing Alcohol and Controlled Substances Use of Alcohol and Controlled Substances during Work Hours

Rivier University prohibits unauthorized consumption of alcohol, reporting to work or conducting University business while under the influence of alcohol, and unauthorized possession of opened or unsealed alcohol containers. Employees are further prohibited from purchasing alcohol for the consumption of students, unless for a specific authorized University event. The President of the University reserves the right to authorize the serving of alcohol on campus at functions deemed appropriate. The University will comply with all local state and federal regulations.

It is the policy of Rivier University to maintain a drug-free workplace. The University prohibits unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace, including reporting to work or conducting University business while under the influence. While the University believes that constructive measures to deal with drug abuse problems are possible and strongly encourages employees to seek appropriate treatment, the University will not tolerate drug abuse in the workplace.

Employees, as a condition of employment, must abide by the terms of this statement, and under the Drug-Free Workplace Act of 1988, must notify the University through the Office of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.

Employees should consult with their personal physician to determine any workplace safety concerns associated with the use of prescribed medications. In the event a prescription drug may affect the ability of the employee to perform his/her duties in a safe manner, the employee should obtain a note from the prescribing physician identifying any restrictions on work activities.

In addition to University disciplinary action, up to and including termination, violation of this policy may be referred to law enforcement agencies.

Alcohol and Drug Addiction

- Rivier University views alcoholism and drug addiction as highly complex diseases which, once they have been recognized, can be arrested by appropriate treatment, and for which the same consideration is given to faculty and staff as in the case of other illnesses. The Employee Assistance Program is available to any seeking help in dealing with this illness.
- Supervisors who have documentation of a faculty or staff member's deficient or deteriorating performance which they believe may be related to use of alcohol or drugs must discuss options for handling the problem with the official designated by the campus chief executive officer. Supervisors shall not engage in diagnosis or establishing treatment plans for employees. The employee must then be confronted and asked to seek medical assistance. The decision to undertake treatment through qualified sources is the responsibility of the individual faculty or staff member.
- The individual's employment status will in no way be affected by the decision to seek treatment. He or she will continue to be covered by applicable personnel policies. If cooperation in obtaining treatment does not occur and work performance continues to be deficient, or if treatment does not result in evident improvement of performance within a reasonable period, a performance review will be conducted to allow for appropriate determination concerning the individual's future employment status, within the framework of existing policy. In cases where such action is taken, it will be based on evidence of poor job performance, such as frequent absences and neglect of duties and

responsibilities, drastically altered moods, physical or verbal abuse, and deterioration of working relationships.

Rivier University Policy on Drug-Free Workplace

Rivier University as an employer strives to maintain a workplace free from illegal use of controlled substances. Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by University employees on University premises, or off our premises while conducting University business, is prohibited. Violation of this policy will result in disciplinary action, up to and including termination and may have further legal consequences.

The University recognizes controlled substances dependency as an illness and a major health as well as potential safety or security problem. Employees are encouraged to seek assistance by contacting The Employee Assistance Plan, as well as utilizing health insurance and appropriate leave of absence plans. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record. Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a drug criminal statute. A report of a conviction must be made to the immediate supervisor within five (5) working days after the conviction. If the employee is covered by a grant or contract, the University must notify the contracting agency within ten (10) days after receiving a notice of conviction. These requirements are mandated by the Drug-Free Workplace Act of 1988.

Description of Health Risks

Serious health and personal risks are associated with the use of illegal drugs, prescription drugs and abuse of alcohol. Most people take prescription medication responsibly. When misused or abused, prescription drugs can be as dangerous as illegal drugs. They may include temporary or permanent physical or mental impairment, and injury or death. Use and abuse of such substances may also give rise to conduct which causes injury, death or damage to the user/abuser or to the person or property of others, resulting in criminal or civil prosecution and liability. Use and abuse of such substances may also lead to unsafe and/or nonconsensual sex, unwanted pregnancy, and may cause defects, injury or death in unborn children. Consequences may also include temporary or permanent loss of educational or employment opportunities.

1. Drugs and the Body—Narcotics (ex. Heroin, OxyContin, Vicodin, Percocet)

There are legal and illegal narcotics. Narcotics are effective in pain control and for other medical purposes when prescribed by a physician and used as directed. Use is often diverted however, which can produce multiple problems as narcotics are highly addictive and often associated in drug dependency and overdoses.

Effects—The user may experience initial euphoria, followed by drowsiness and nausea. Someone under the influence may have constricted pupils, watery eyes and a “dazed” look.

Risks— There is a risk of overdose with narcotics and users may develop slow, shallow breathing, clammy skin, loss of appetite and weight. Overdose can lead to possible death without intervention. Narcotics are highly addictive and may require inpatient treatment to safely detoxify the body.

2. Depressants (Barbiturates, Benzodiazepines)

Depressants can also be legal and illegal. The most popular legal depressant is alcohol (see below). Depressants slow the central nervous system and may be prescribed by a physician to induce sleep, reduce stress, or help control anxiety. There is a danger of overdosing with depressants.

Effects—The user may experience some relaxation, calmness, drowsiness and even euphoria. In high levels the user may experience confusion, disorientation and impaired motor coordination, including slurred speech and loss of balance.

Risks—Overdose may produce shallow breathing, clammy skin, weak and rapid pulse, coma and possible death. Risk of overdose is increased when the person combines depressant drugs (intentionally or accidentally).

3. Stimulants (Cocaine; Methamphetamine e.g., Ritalin; Amphetamines e.g., Adderall)

Stimulants speed up the mental and physical processes of the body. Historically they have been used both in their legal (nicotine and caffeine and in the treatment of ADD/ADHD) and illegal forms. These substances help keep people awake, provide more energy, and suppress appetite. They have also been prescribed by physicians to increase enhance focus and concentration in individuals with ADD/ADHD. These drugs can be addictive and can produce withdrawal symptoms if stopped.

Effects—The user may experience an increased heart rate, increased energy and increased alertness. Users may also find they have an increased blood pressure, excessive talkativeness, and increased anxiety. In large doses, users find loss of coordination, dizziness, anxiety, cardiac and respiratory distress, and seizures, among other concerns.

Risks—Increase in body temperature, hallucinations, convulsions and possible death.

4. Hallucinogens (Mushrooms, LSD, PCP)

These are drugs that alter a person's state of mind and mood. Some types produce hallucinations, causing the person to hear, see, and smell things that are not real. Dissociative drugs do not cause hallucinations but can cause the person to feel disassociated with their body or feel detached from his/her surroundings.

Effects—Users may experience illusions or hallucinations. They may become confused, experience panic, anxiety, depression, and poor perception of time and distance.

Risks—Users may experience respiratory failure or death due to careless or accidental behaviors.

5. Dissociative Drugs (Ketamine, PCP)

Dissociative drugs can cause a person to feel disassociated from their body or feel detached from their surroundings.

Effects—Users may experience feelings of detachment and distortions of space, time and body. They may become confused, experience panic, anxiety, depression, feelings of invulnerability or exaggerated strength.

Risks—Users can exhibit violent behavior, loss of coordination, severe muscle contractions, kidney damage, convulsions and possible death.

6. Predatory Drugs (Rohypnol, GHB)

These drugs are considered predatory because of their sedative affects. They can leave an individual with no recollection of what happened. They are colorless and odorless and when mixed with soda, alcohol or another beverage become virtually undetectable. They metabolize quickly and can become difficult to detect in as little as 12 hours.

Effects—Causes distortion in perception, delirium and amnesia.

Risks—Incapacitates user and can cause coma and seizures and amnesia. These drugs are linked with sexual assault.

7. Club Drugs (Ecstasy and Molly)

Ecstasy comes in a tablet or capsule form. It is a synthetic drug that has stimulating and psychoactive properties similar to methamphetamine.

Effects—Can cause increased euphoria, energy and emotional warmth as well as distortion in time perception and tactile experiences. It can also cause nausea, chills, sweating and muscle cramps.

Risks—Users can experience impaired memory and learning, paranoia, psychotic behavior, hyperthermia, cardiac and liver toxicity, along with renal failure and death.

8. Cannabis (Marijuana, Hashish)

These drugs are illegal though on September 16, 2017 the state of New Hampshire decriminalized small amounts of marijuana. As of this date if a person is found in possession of $\frac{3}{4}$ of an ounce or less of marijuana it is a civil violation not a criminal violation.

Effects—Users may experience euphoria, relaxation and/or drowsiness and an increased appetite. Short-term effects may include impaired short-term memory, impaired concentration, and attention. Long-term effects may include addiction (both psychological and physical), anxiety and memory loss. Users also report lack of motivation or difficulty setting and reaching goals.

Risks—There is little risk of overdose however there is a risk of an increasing tolerance which can lead to increased use. There are also medical complications such as: increased risk of respiratory infections, emphysema, certain cancers, and fertility issues.

9. Steroids (Anabolic)

Anabolic steroids are synthetic substances similar to the male sex hormone testosterone. They are generally taken orally or injected. Steroids are often abused to build muscle or enhance performance.

Effects—using steroids can cause liver damage, water retention, and high blood pressure for both men and women. Side effects for men include shrinking testicles, baldness, breast development and infertility. For women, side effects include facial hair, male patterned baldness, menstrual changes and deepened voice.

Risks—Abuse by adolescents can prematurely end their growth spurt causing them to remain shorter in height than they would have been. There is also the potential for fatal liver cysts, liver cancer, and blood clotting problems, cholesterol changes and hypertension which can lead to heart attack or stroke. It has also been suggested that high dose use can increase aggression.

10. Alcohol

The Food and Drug Administration defines low-risk drinking as:

- No more than 1 drink per day for women (if daily)
- No more than 2 drinks per day for men (if daily)
- No more than 3 drinks for women, 4 drinks for men on any given day

Alcohol is a depressant drug that is legal in the United States for those over the age of 21 years. Small quantities of alcohol (low-risk) have for a legal-aged user has not been linked to any increased health risks, and in some cases, has been credited with some health benefits. However, higher quantities (high-risk use) have been associated with increased risk for breast and colon cancer and in heart disease, as well as with a variety of unintentional consequences.

Effects—The users may experience a general relaxation, mild reduction in inhibitions and some impairment in judgment in low-risk amounts. Higher risk quantities may result in the user having greater impairment in judgment, alertness and coordination.

Risks—High-risk amounts can increase risk for:

- Risk taking behaviors (example: sexual, driving)
- Alcohol poisoning which can include: passing out (coma or becoming unconscious) nausea/vomiting and memory loss (black outs)
- Hostility or other behavior changes.
- Dependence and/or addiction
- Uncharacteristic family, school, work and/or legal problems
- Health problems such as cancers, health disease and cirrhosis of the liver
- Unintentional injuries and death
- Birth and developmental defects if exposed during pregnancy

Additionally, alcohol taken with other drugs can intensify the effects of the drug, alter the desired effect of the drug and can cause nausea, sweating, severe headaches, convulsions and death by overdose.

Alcohol and Drug Treatment Resources

The Rivier University Counseling and Wellness Center is available to any student presenting concerns regarding drug and alcohol issues. The services available include crisis intervention, short-term individual counseling, groups with specific focus on Adult Children of Alcoholics and a community referral service. Full-time students may use these services free of charge.

Individuals are clinically assessed according to their individual needs and presenting concerns. Recommendations are made in accordance with the results of that assessment.

Several off-campus community programs are available in close proximity to the University. Alcoholics Anonymous (AA), Al-Anon and Al-a-Teen Family groups are offered at varying times and location in the city of Nashua. Outpatient and inpatient treatment for drugs and alcohol abuse are available at St. Joseph's Hospital in Nashua. The Greater Nashua Mental Health Center at Community Council in Nashua offers various programs on an outpatient basis regarding drug and alcohol abuse; fees charged are on a sliding scale to enable treatment availability for everyone.

The Rivier University Counseling and Wellness Center has a complete and updated directory of therapeutic and educational services, listing resources throughout the greater Nashua area.

Alcohol/Other Drug Education

Rivier University offers educational programs (Get Inclusive) on wellness issues including alcohol, tobacco and other drugs including prescription drug use/abuse.

As part of First Year Orientation a program is run through Student Activities regarding illegal drug use and alcohol abuse.

Resident Directors, Orientation leaders and resident assistants are trained on alcohol and other drug policies and campus programs and services.

Assistance Services for Staff/Faculty

Human Resources (897-8717)
Employee Assistance Program

This information is provided in compliance with the Drug Free Schools and Communities Act.

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status as a student,
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting him or her, or for the awarding or withholding of favorable employment or academic opportunities, evaluations, or assistance, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile or offensive working or educational environment.

This policy and the mechanisms for redress are called to the attention of all members of the Rivier University community on an annual basis.