

**Policy Statement for Faculty and Staff on Alcohol and Drug, Possession and Distribution
(created and distributed in accordance with federal regulation)**

La Salle University considers the abuse of alcohol or other drugs as a health care problem and treats it as such. The term abuse as used in this policy shall refer to the consumption of alcohol or any illicit substance while at work or at any other time so as to impair an employee's ability to perform the duties and responsibilities of his/her job description. Consumption of any controlled substances prescribed by a licensed physician is subject to the directives of that physician governing its use.

As the University values the contribution of each of its employees and recognizes the risks that alcohol abuse, alcoholism and other forms of chemical dependency pose to the individual employee as well as the University at large, support for the individual employee's assessment/treatment needs is a top priority. Acknowledging that alcoholism and other forms of chemical dependency are recognized health care problems results in a University position that employees so impaired are in need of assistance and/or treatment in order to preclude the progression of their illness and likely deterioration of job performance so as to jeopardize their University employment. To this end, the Coordinator, Alcohol and Other Drug Programs for the University is available to serve the information and referral needs of any employee in order to arrange for assessment and/or treatment needs. Contact with the Coordinator, Alcohol and Other Drug Programs for the University can be arranged directly by the employee or upon referral/directive of the employee's supervisor. In all cases, the privacy of the employee shall be respected and details of services provided by the Coordinator will be held in the strictest confidence.

La Salle is required by law to inform you of the sanctions which may be imposed on you if you violate federal, state and local laws regarding the unlawful possession, use or distribution of illicit drugs or alcohol. The following are examples of illegal activity and the applicable legal sanction.

A. Alcohol:

Under Pennsylvania law, a person who is under twenty-one (21) years of age commits a summary offense if he/she attempts to or actually purchases, consumes, possesses, or transports alcohol. The police department must notify the parents of a minor charged with violating this law. If convicted of this offense, the minor's driver license will be suspended. A second offense will yield a fine up to \$500.

In addition, any person who intentionally provides alcohol to a minor will be convicted of a misdemeanor of the third degree, for which the fine will be at least \$1,000 for the first offense, and \$2,500 for subsequent violations.

B. Drugs:

These are both federal and state laws which proscribe the possession, use and distribution of illegal drugs. The sanctions for offending these laws consists, in many cases, of mandatory imprisonment, coupled with substantial fines. The sanctions for any given offense vary widely, depending on the nature of the offense, the type of drug involved, and the quantity of the drug involved.

For instance, under federal law, simple possession of a controlled substance carries with it a penalty of imprisonment of no more than one (1) year, plus a fine of an amount between \$1,000

and \$5,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the offender will be imprisoned for not less than five (5) years and not more than twenty (20) years, or fined, or both.

Also under Federal law, anyone who is at least eighteen (18) years old and who distributes drugs to anyone under age twenty-one (21) will be imprisoned and/or fined up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year.

Pennsylvania has laws prohibiting the use, possession and distribution of drugs which are similarly strict. In addition to imposing fines and/or prison terms for violations of its drug laws, Pennsylvania recently enacted a forfeiture statute. Under this statute, when the state arrests someone for violating its laws concerning the use, possession or distribution of drugs, the state will seize, and that person will forfeit, all of his/her property which was used to accomplish the violation of Pennsylvania's anti-drug laws -- including the automobile.

ALCOHOL AND DRUG USE AND POSSESSION

The possession, consumption, or "being under the influence of" intoxicating beverages or drugs during working hours, on University property, or at University sponsored activities is strictly prohibited except for the moderate consumption of alcoholic beverages at official programs conducted by the University if the employee is over twenty-one (21) years of age.

An employee reasonably suspected of being under the influence or found to be using alcohol or drugs during working hours, on University property, or at University sponsored events except as stated above may be required to consent to any scientifically approved test for the presence of alcohol or drugs in the body, and if they refuse will be disciplined or discharged for insubordination. An employee found to possess, use or be under the influence of alcohol or drugs will normally be formally warned for a first offense, rather than dismissed. As a part of the formal warning, the University reserves the right to refer the employee to the Coordinator, Alcohol and Other Drug Programs for the University for recommendation into any one of the following programs: drug and alcohol awareness, counseling or rehabilitation. If the Coordinator, Alcohol and Other Drug Programs for the University refers the employee to any one of these three programs, the employee will not be eligible to re-enter employment until he/she supplies the appropriate certification of completion of the program. A second incident involving drug or alcohol use or possession will normally result in dismissal.

DISTRIBUTION OF ALCOHOL AND DRUGS

No person less than twenty-one (21) years of age shall attempt to purchase, consume, possess, or transport any alcohol, liquor, or malt or brewed beverages during working hours, on University property, or at any University sponsored event. No University employee shall transfer a registration card or other form of identification for the purpose of falsifying age to secure any alcohol, liquor or malt or brewed beverages. Nor shall any individual sell, furnish or give any alcohol, liquor, or malt or brewed beverages to be sold, furnished or given to any person under twenty-one (21) years of age.

No University employee shall attempt to distribute, sell, or furnish illicit drugs to any individual during working hours, on University property, or at any University sponsored event.

Any employee who violates this prohibition of the distribution of alcohol and/or drugs will normally be immediately discharged from employment with the University and may be referred for criminal prosecution.

CRIMINAL DRUG CONVICTIONS

The University is required under federal law (Drug-Free Workplace Act of 1988) to ensure a workplace free from the illegal use, possession, or distribution, dispensing, possession or use of a controlled substance in the workplace. As a condition of employment, all employees must abide by the terms of this Drug-Free policy and are required to notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Furthermore, the University is required to notify all agencies issuing federal grants to the University within ten (10) days after receiving notice of conviction from the employee or other forms of actual notice of such conviction. The University is then required to take one of the following actions within thirty (30) days of receiving notice of an employee's conviction:

- 1) Formally warn, suspend or terminate the employee; or
- 2) Require the 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.

It is the discretion of the University as to what action will be taken.