

Chapter Nine:

Drug Free Awareness

Cumberland University seeks to provide a drug-free workplace that promotes a safe work environment. The conduct of the employees affects the service the University provides to each other and to the students. If employees use drugs and/or alcohol while at work, or if they come to work impaired, their ability to perform their job is diminished and the employee of Cumberland University may endanger their own safety as well as the safety of others.

- The Drug-Free Workplace
- University Policy on Alcohol/Drug Use
- Alcohol and/or Drug Testing
- Counseling
- Smoking

Cumberland University
The Drug-Free Awareness Workplace
The University's Position on Alcohol and Drug Use

In compliance with the federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and the federal Drug-Free Schools and Campuses regulations, Cumberland University has adopted the following policy that requires faculty and staff members of the University to comply with federal, state, local and University laws in relation to alcoholic beverages, narcotics and other drugs.

• **STATEMENT:**

Cumberland University in compliance with the federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, prohibits the unlawful manufacture, possession, use, dispensing, or distribution of illicit drugs and alcohol by faculty and staff on University premises, while conducting University business off the premises, or as part of any University-sponsored activities, including any activity with a federal grant.

Faculty and staff members who report to work under the influence of alcohol or an illicit controlled substance are subject to Progressive Discipline and performance counseling - including possible termination of employment.

• **SANCTIONS:**

University Sanctions

The University has a significant interest in ensuring the health and safety, continued good performance, and attendance of its employees. In furtherance of this goal, the University has established the following rules and regulations regarding the use, sale, or possession of alcohol, illegal drugs, and/or controlled substances.

The obligations set forth in these rules and regulations constitute conditions of employment.

1. The illegal use, sale, or possession of illegal drugs or controlled substances off duty or off University premises may constitute grounds for immediate dismissal.
2. If an employee reports to work under the influence of alcohol and/or drugs, he/she will not be allowed to work and be notified of disciplinary action up to and including discharge.
3. An employee arrested or charged by the police with a drug law violation of any sort is required to notify the University of such arrest or charge no later than the next work day following the arrest or charge. Failure to make such report may constitute grounds for dismissal. Conviction of a crime outside the workplace may render an employee of Cumberland University unsuitable for continued employment. For this reason, Cumberland University reserves the right to terminate employment if an individual is convicted of any crime, even if the crime did not occur on Cumberland time or premises.
4. The legal use of drugs prescribed by a licensed physician may be permitted, provided such usage is consistent with job safety. For example, if a prescribed medication is labeled "Do not drive or operate machinery while using this medication," an employee would not be permitted to operate company vehicles. The University will make a reasonable accommodation, if possible, for the use of prescription medications. However, if use of the medication poses a direct threat to safety that cannot be eliminated by a reasonable

accommodation, the employee will not be permitted to perform duties that conflict with the safety considerations.

Federal, State and Local Sanctions

This document contains a summary of state and federal sanctions for the unlawful use of illicit drugs and alcohol. Portions of the summary were provided by the federal government, and while the summary is a good faith effort to provide information, Cumberland does not guarantee its accuracy.

State of Tennessee Sanctions

Under state law, it is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of their employment), or consume alcoholic beverages, including wine or beer. It is also unlawful for any adult to buy alcoholic beverages for or furnish them for any purpose to anyone under twenty-one years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days, or a fine of not more than \$2,500, or both. (T.C.A. § 1-3-113, 39-15-404, 57-5-301.) The offense of public intoxication is a Class C Misdemeanor punishable by imprisonment of not more than thirty days or a fine of not more than \$50, or both. (T.C.A. § 39-17-310.) Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months twenty-nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of 1/2 oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over twenty-one years of age to a person under twenty-one, and the older person is at least two years older than the younger, and the older person knows that the younger is under twenty-one years of age, *then the offense is classified as a felony*. (T.C.A. § 39-17-417, 21 U.S.C. § 801, et seq.; T.C.A. § 39-17-417.) Possession of more than 1/2 oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense.

State penalties for possession of substantial quantities of a controlled substance or for manufacturing or distribution range up to a maximum of fifteen to sixty years of imprisonment and a \$500,000 fine. (Title 39, T.C.A., Chapter 17.) For example, possession of more than twenty-six grams of cocaine is punishable by eight to thirty years of imprisonment and a \$200,000 fine for the first offense.

The state may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

United States Penalties and Sanctions for Illegal Possession of a Controlled Substance **21 U.S.C. 844(a)**

First conviction: Up to one year imprisonment and fine of at least \$1,000 but not more than \$100,000, or both.

After one prior drug conviction: At least fifteen days in prison, not to exceed two years, and fine of at least \$2,500 but not more than \$250,000, or both.

After two or more prior drug convictions: At least ninety days in prison, not to exceed three years, and fine of at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine:

Mandatory at least five years in prison, not to exceed twenty years, and fine of up to \$250,000, or both, if:

- (a) first conviction and the amount of crack possessed exceeds five grams.
- (b) second crack conviction and the amount of crack possessed exceeds three grams.
- (c) third or subsequent crack conviction and the amount of crack possessed exceeds one gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. [An automobile may be impounded in cases involving any controlled substance in any amount.]

21 U.S.C. 844(a)

21 U.S.C. 853(a) Civil fine of up to \$10,000 (pending adoption of final regulations).

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligibility to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, are vested within the authorities of individual federal agencies. Violations of federal trafficking laws that involve either (1) distribution or possession of controlled substances at or near a school or university campus, or (2) distribution of controlled substances to persons under twenty-one (21) years of age, incur doubled penalties under federal law.

• **HEALTH RISK:**

The following is a summary of known health risks associated with the use of illicit drugs and the abuse of alcohol. Cumberland does not guarantee that it is an error-free or exhaustive accounting.

Alcohol Abuse

Acute: Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Accidents are the leading cause of death among individuals aged fifteen to twenty-four years. Most are related to drinking and driving. Poor decisions and aggressive acts such as sexual assault are almost always associated with alcohol use. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. *Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information.* Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Chronic: Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations,

and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Some studies suggest that brain cells are actually permanently lost (killed) by high levels of alcohol.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Illicit Drugs

Marijuana: Marijuana and related compounds are usually used for their relaxation effects or to produce an altered sense of reality – a high. Marijuana is usually smoked, and like tobacco, it is very toxic to the lungs. Disorders of memory (loss) and of mood often occur in chronic users.

Stimulants: Cocaine, crack, and related forms are usually used for stimulation and to produce a sense of euphoria. All forms of cocaine are highly addictive, producing a habit that is extremely difficult to stop. In some individuals, cocaine may produce fatal cardiac rhythm disturbances. Amphetamines, and their new derivatives “crystal,” “ice,” and Ecstasy, are used for stimulations. These compounds are very addictive and may produce psychotic and violent behavior.

Depressants: Valium, Barbiturates, etc. and other prescription drugs of this type are usually used for their sedative or hypnotic effects. Some of these drugs are highly addictive, and other can cause seizures in individuals who take them over long periods of time. These drugs can be fatal if mixed with alcohol or other depressants.

Narcotics: Heroin, Codeine, etc. are some of the most addictive substances known. They produce a high or euphoria. Withdrawal can produce convulsions or even coma. Overdose is common and can result in death. Needle-drug users are in a high-risk group for infection with human immunodeficiency virus, thought to be the cause of AIDS.

Other Drugs: Hallucinogens such as LSD and PCP are chemical used to produce altered states to escape reality. They are very dangerous and can cause psychosis. Many medications and drugs have the potential for abuse. If you have concerns or questions, seek professional advice.

• Drug Testing:

In furtherance of its policy of the health and safety of its employees and to ensure the health and safety of others, Cumberland University has established the following procedure for the testing of alcohol and/or drug use among its employees. The University has the right to require blood and/or urine samples in any of the following situations:

1. Any current employee who is involved in any work-related or on the job accident, regardless of whether alcohol or drug use is suspected, may be required to submit blood and/or urine samples for testing at the discretion of the University.
2. Upon reasonable cause, the University has the right to require that any employee submit blood and/or urine samples for testing.

The University reiterates that the rules and regulations of this policy constitute conditions of employment. Therefore, refusal to submit to alcohol and/or drug testing as provided for herein (including execution of the forms necessary for such testing) constitutes a material breach of the conditions of employment, and is grounds for immediate dismissal.

• **Resources:**

Employees of Cumberland University may be required to enroll in and successfully complete, at the employee's expense, a treatment program as a condition of continued employment.

Local area resources include, but are not limited to:

1. Emergency 911
2. University Medical Center 615-444-8262
3. Cumberland Mental Health Center 615-444-4300 or 615-444-4343, 24 hour line
4. College Street Fellowship House 615-449-3891

This listing does not reflect the promotion or referral of these facilities by Cumberland University.

Closing Statement:

Cumberland University seeks to provide a drug-free workplace that promotes a safe work environment. The conduct of the employees affects the service the University provides to each other and to the students. If employees use drugs and/or alcohol while at work, or if they come to work impaired, their ability to perform their job is diminished and the employee of Cumberland University may endanger their own safety as well as the safety of others.

SMOKING

Smoking is prohibited by faculty, staff, and students in smoke-free areas. Smoking is allowed in designed smoking areas outside of buildings.