

## Drug Free School Summary

The Drug-Free Schools and Communities Act Amendment of 1989 (the "Act") requires all institutions of higher education, a conditioning of receiving any form of Federal financial assistance from any Federal agency on or after October 1, 1990, to certify to the United States Department of Education (the "Department") that they have adopted and implemented programs to prevent the use of illicit drugs and the abuse of alcohol by students and employees. At a minimum, the Act requires each institution's program to include the annual distribution to all of its students and employees the following:

- a) a statement of standards of conduct that clearly prohibit the unlawful possession, use or distribution of property or as part of any of its activities;
- b) a description of the applicable legal sanction under local, State and Federal laws for the unlawful possession or distribution of illicit drugs and alcohol;
- c) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- d) a description of any drug or alcohol counseling, treatment, rehabilitation or re-entry programs that are available to the institution's employees or students; and
- e) a statement that the institution will impose sanctions on students and employees who violate its standards of conduct relating to illicit drugs and alcohol, and a description of those sanctions.

The sanctions must be progressive (up to and including expulsion or termination of employment and referral for prosecution), and consistent with Federal, State and local laws. The Act further requires each institution to conduct a biannual review of its compliance program to

- a) determine its effectiveness and implement changes to the program, if necessary, and
- b) ensure that its sanctions are consistently enforced.

A copy of the results of the institution's biannual review and of each item of its program must be made available, upon request, to the Department and to the public. The Department will conduct a periodic review of a representative sample of programs, with full access to the relevant files of the institutions under review. An institution may be subject to a range of sanctions if the Department determines that it has failed to

- a) make the required certification,
- b) implement a compliance program or
- c) consistently enforce its disciplinary sanctions for student or employee violations of the standards of conduct imposed by its compliance program.

The Department may respond to institutional violations of the Act by providing information and technical assistance or by formulating a compliance agreement. Institutional sanctions also may include repayment and termination of any or all-Federal financial assistance.

[Controlled Substances - Uses and Effects](#) - Adobe Acrobat PDF format

[Federal Drug Trafficking Penalties Chart](#) - Adobe Acrobat PDF format

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## 1. STANDARDS OF CONDUCT

Standards of Conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students on College property or as part of any activities, are contained in this handbook. Every day program student is advised of its location at beginning of the academic year.

## 2. LEGAL SANCTIONS

### SUMMARY OF LAWS RELATING TO ALCOHOL-MASSACHUSETTS LAW

#### General Restrictions: Sale of Alcoholic Beverages

Massachusetts law defines "alcoholic beverages" as "any liquid intended for human consumption as a beverage and containing one half of one percent or more of alcohol by volume at sixty degrees Fahrenheit." One may not manufacture with intent to sell, keep for sale, sell, store, transport, import or export alcohol or alcoholic beverages without the appropriate license from the local licensing authority or Alcoholic Beverage Control Commission. There are several very limited exceptions to these general requirements. For example, a person over 21 may transport, for his or her personal use, up to 20 gallons of malt beverages, three gallons of any other alcoholic beverage, or one gallon of alcohol, without a permit. Failure to obtain a required license can result in a fine not to exceed \$1,000 and imprisonment not to exceed one year. Persons engaging in the sale of alcohol are also subject to state tax.

Those who hold licenses to sell alcoholic beverages at retail may do so only at the specific physical locations which has been licensed, and only during the hours permitted by statute or by the license itself. Retail licensees are further subject to certain regulations of the Alcoholic Beverages Control Commission, commonly known as "Happy Hour" regulations. These prohibit, among other things, free drinks; the delivery of more than two drinks to one person at one time; the sale or offer to sell drinks at a price less than the price regularly charged for such drinks during the same calendar week; the sale or offer to sell an unlimited number of drinks during any set period of time for a fixed price; the sale or offer to sell malt beverages or mixed drinks by the pitcher except to two or more persons; the increase in the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such drink; or holding of any game or contest which involves drinking or the award of drinks as prizes. One is prohibited from selling or delivering alcohol to an already intoxicated person on licensed premises.

A licensee who violates these requirements may, in addition to the fines and imprisonment noted above, have its license suspended or revoked and, if the licensee's operation of its premises is judged to be a nuisance, may also be enjoined from continuing such operation. A licensee may not hire anyone under the age of 18 to handle or sell alcoholic beverages.

#### Sale Delivery, or Furnishing to Persons Under 21; Misrepresentation of Age

All persons, whether or not licensees, are prohibited under Massachusetts law from selling or delivering any alcoholic beverages or alcohol to any person under 21, and from delivering or procuring to be delivered, on licensed premises, alcoholic beverages or alcohol to or for the use of a person whom one knows or has reason to believe to be under 21 years of age. The penalty for violating these laws is a fine of not more than \$2,000, imprisonment for not more than 6 months, or both. It is also against the law in Massachusetts for persons under 21 years of age to purchase or attempt to purchase alcoholic beverages, or to make arrangements to purchase or procure such beverage. The law prohibits willfully misrepresenting one's age or altering, defacing, or otherwise falsifying identification offered as proof of age, with the intent of purchasing alcoholic beverages. Knowingly making a false statement as to one's own age or to the age of another to procure sale or delivery of alcohol beverage to the underage person; or inducing a person under 21 years of age to make a false statement about his or her age in order to procure a sale or delivery of alcohol to such underage person, also violates the law. These violations are punishable by a fine of \$300.

### 3. ALCOHOL EFFECTS

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. Low to moderate doses of alcohol also increases 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 effects just described. 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. Mothers 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 indicated that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### 4. COUNSELING, TREATMENT, AND REHABILITATION RESOURCE

Nichols College provides a myriad of educational programs on alcohol and substance abuse. Furthermore, the Counseling Office, located in the Merrill Infirmary, provides referral to outside counseling services for students with high dependency issues. These programs are conducted by trained professionals from The George B. Wells Human Services Center, a division of Harrington Memorial Hospital, Southbridge, Massachusetts, under the supervision

of our Director of Mental Health Services, Monica Goodrich-Pelletier, M.A., Confidentiality is strictly adhered to in the provision of these services. Further information and assistance may be obtained in person at Health Services or by calling (508) 213-2238. Off-campus counseling, treatment, and related services are available in the local area from the following sources:

- AdCare Hospital of Worcester, Inc. 107 Lincoln Street, Worcester, MA 01605 (Tel. 799-9000). Inpatient and outpatient substance abuse detoxification and rehabilitation services. Self-help groups are provided as a supportive service.
- Alcoholics Anonymous Worcester Area Intergroup, Inc., 100 Grove Street, Suite 309, Worcester, MA 01605, (Tel. 752-9000). Self-help groups for alcoholics, information regarding AA literature and books, and AA meetings in the area.
- Channing House, 21 Catherine Street, Worcester, MA 01605 (Tel. 755-8088). Residential treatment for alcoholics, counseling, support groups, assertiveness training, alcohol education and information and after-care. (Males only.)
- Hubbard Regional Hospital, 340 Thompson Road, Webster, MA 01570 (Tel. 943-2600). Human Services Center provides verbal therapy - one on one, group, peer group, psychiatric assessment and evaluation, psychopharmacological RX, drug and alcohol RX and inpatient detox.

#### 5. NICHOLS COLLEGE FULLY SUPPORTS THE GOALS OF THE FEDERAL LEGISLATION MANADATING A DRUG FREE CAMPUS

The College will impose appropriate disciplinary sanctions on those students who fail to live up to the standards of conduct referred to in Section I of this document, as well as the applicable laws of the federal, state and local governments detailed in Section 2. These sanctions can include expulsion from the College when deemed necessary, and may also include the completion of an appropriate educational or rehabilitative program.