

Smith College Policy on Substance Abuse and Substance Use

This policy reflects a collegewide commitment to an environment free of drug and alcohol abuse through (1) education and counseling programs, and (2) the prohibition of illegal or imprudent use of drugs or alcohol. The college prohibits the unlawful manufacture, distribution, dispensing, possession and use of controlled substances. Controlled substances include, but are not limited to, narcotics, barbiturates, amphetamines, cocaine, cannabis, anabolic steroids and misused prescription or legal drugs or alcohol. As used in this policy, the words “substance” and “controlled substance” include alcoholic beverages. Compliance with this policy is a condition of employment and/or enrollment at the college. All members of the Smith College community are expected to be familiar with and abide by the principles and details of this policy.

Medical Marijuana and Recreational Marijuana/Cannabis

Massachusetts legislation under Massachusetts Act (Chapter 369) “An Act for the Humanitarian Medical Use of Marijuana” allows for the controlled use of medical marijuana in the Commonwealth. Thus, Massachusetts citizens may legally obtain a medical marijuana “registration card” from the Massachusetts Department of Public Health. However, Smith College students, staff and faculty who possess a medical marijuana “registration card” are not permitted to possess and or use any form of marijuana on Smith College property or at college-sponsored events.

In addition, the Commonwealth of Massachusetts through 935 CMR 500.00 has legalized the sale of marijuana for recreational purposes to individuals at least 21 years old. Although Massachusetts law permits the use of medical marijuana and recreational marijuana/cannabis, federal laws outlined by the Controlled Substances Act (CSA) has classified marijuana as a schedule 1 drug, which prohibits the use, possession and/or cultivation of marijuana. Therefore the use, possession, cultivation or sale of marijuana in any form violates federal law. Smith College must comply with the Drug-Free Communities and Schools Act (DFSCA) (20 U.S.C.1011i; 34 C.F.R part 86) as well as the Drug-Free Workplace Act which requires a drug-free campus environment. Institutions of higher education such as Smith College must comply with the Drug-Free Communities and Schools Act regulations or risk losing federal funding such as financial aid. Any student, staff or faculty member who violates Smith College policy prohibiting the use and/or possession of illicit drugs (including medical marijuana) on campus may be subject to disciplinary action.

Health Risks

The use of drugs and alcohol has both physical and psychological repercussions. Such substances can interfere with memory, sensation and perception, and impair the brain’s ability to synthesize information. Regular users develop tolerance and physical dependence. The psychological dependence occurs when the substance becomes central to the user’s life and decision making.

Alcohol consumption may cause a number of marked changes in behavior. Even low doses may significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol may increase the incidence of a variety of aggressive acts, including physical attacks. Moderate to high doses of alcohol may cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol may produce the effects just described.

Individuals who use controlled substances during pregnancy may give birth to infants with fetal alcohol or drug syndrome. These infants have irreversible physical abnormalities and intellectual disability. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics. A chart of the effects of use of certain controlled substances is attached. More information is available at smithcollege.me/DEA-Resource-Guide.

Using an electronic cigarette (e-cigarette) product is commonly called vaping. E-cigarettes work by heating a liquid to produce an aerosol that users inhale into their lungs. The liquid can contain nicotine, tetrahydrocannabinol (THC) and cannabinoid (CBD) oils. The use of e-cigarettes and vaping has been associated with an outbreak of severe lung disease and several fatalities. The risks associated with the use of these products are potentially devastating and the research is ongoing.

Repeated use of drugs and alcohol can lead to dependence. Sudden cessation of substance intake can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Substance withdrawal can be life threatening. Long-term consumption of substances, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and liver.

Sanctions

The buildings and residences of the college are not beyond the reach of the law and are not sanctuaries from state and federal law enforcement. Members of the administration will not obstruct such enforcement. When the conduct of a member of the college community on college property or during a college activity, wherever it may occur, is in violation of this policy, the college will take appropriate action, up to and including expulsion, termination of employment and referral for prosecution. This policy supplements, and does not replace, other regulations, policies, standards and expectations regarding the conduct of college students and employees. Nothing in this policy shall be construed to remove or otherwise affect those protections normally afforded to all employees and students. The information below is a brief summary of Massachusetts law. It is not legal advice and readers should refer to the actual law for complete information.

Illegal Offense	Sanction	Statute
Using, altering, selling or distributing false ID or driver’s license	Up to \$200 fine or up to 3 months’ imprisonment	MA Gen Law 138 §34B
Transporting alcoholic beverages in a vehicle by driver under 21 years of age	Up to \$50 fine for first offense; up to \$150 fine for subsequent offenses AND suspension of driver’s license for 90 days	MA General Law 138 §34C
Furnishing alcoholic beverages to another under 21 years of age	Up to \$2,000 fine and/or up to 1 year imprisonment	MA General Law 138 §34
Making, stealing, altering, forging or counterfeiting a driver’s license or identification card or for possessing or using such a license or identification card	Fine up to \$500 or up to five years in prison; immediate suspension of driver’s license for up to 1 year	MA General Law 90 §24B

Illegal Offense	Sanction	Statute
Purchasing or attempting to purchase alcoholic beverages if under 21 years of age, including using a false ID	Fine of \$300 and suspension of driver's license for 180 days	MA General Law 138 §34A
Having an "open container" of alcohol as a passenger in a vehicle	Fine of \$100 up to \$500	MA General Law 90 §24I
Driving under the influence, if under the age of 21, is driving with a blood alcohol level of .02 as a percentage by weight of alcohol in the blood	Fines not less than \$500 and up to \$5,000; mandatory suspension of license for 180 days and up to 1 year and/or up to 2.5 years' imprisonment for the first offense. Subsequent offenses carry significantly higher penalties.	MA General Law 90 §24 (1)(a) and §24P
Driving under the influence, if over the age of 21, is driving with a blood alcohol level of .08 as a percentage by weight of alcohol in the blood	Fines not less than \$500 and up to \$5,000; suspension of license for 1 year and/or up to 2.5 years' imprisonment for the first offense. Subsequent offenses carry significantly higher penalties.	MA General Law 90 §24 (1) (a)
Refusal to submit to a breathalyzer test	Immediate suspension of a driver's license for minimum of 180 days. If under 21 years of age OR previously convicted of driving under the influence, immediate suspension of driver's license for 3 years or longer.	MA General Law 90 §24(1) (f) (1)
Causing serious bodily harm while driving under the influence of alcohol	2.5 to 10 years' imprisonment and a fine up to \$5,000; revocation of driver's license for 2 years	MA General Law 90 §24L

Federal, state and local sanctions for unlawful possession or distribution of illicit drugs range from probation and forfeiture of property to fines and imprisonment. For example, the sanctions against an individual for distribution of, or possession with intent to distribute, controlled substances include imprisonment for several years up to a maximum of life imprisonment, with fines up to \$4 million. Sanctions can increase for repeat offenders or for offenses resulting in death or serious bodily harm, and can be doubled for each of the following occurrences: distribution to persons under 18 years of age, distribution within 1,000 feet of a school, including the College Campus School, or employing someone under 18 in the distribution. Attempt or conspiracy to commit a crime can be treated as severely as the intended offense. Many of the state and federal statutes that prohibit the illegal distribution of controlled substances provide for minimum mandatory prison sentences. Conviction for violation of any state or federal drug law can lead to ineligibility for any federal benefit, including grants and loans. Thus a student can make herself ineligible for student loans through drug conviction.

All students should be aware that current federal statutes permit notification of parent(s) regarding a student's violation of the college's controlled substance policy. Both designated college administrators and judicial boards may recommend to the dean of students that parental/legal guardian notification occur. The dean of students will make a final determination of the appropriateness of notification, carrying it out if

deemed appropriate. (The dean of students may notify parent[s]/legal guardian[s] without a designated college administrator's or judicial board's recommendation if she possesses information that would support this step.) Each student should be forewarned that parental/legal guardian notification may occur if a student is found responsible for a violation of the college's controlled substance policy.

Massachusetts makes it illegal to be in a place where heroin and fentanyl are kept and to be "in the company" of a person known to possess such substances. Any person in the presence of heroin and fentanyl, such as at a private party or a dormitory suite, risks conviction of a serious drug offense.

More complete tables of federal sanctions for illegal drug activity are attached.

The director of human resources must be notified by an affected employee of any criminal drug statute conviction for a violation *occurring in the workplace* no later than five days after the conviction. The college will then notify the federal funding agency involved, if any, within 10 days after receipt of such notice.

Education and Counseling

In order to promote an environment free of substance abuse, the college supports an active program of community awareness and education. This program extends to the misuse or abuse of controlled substances including prescription drugs, alcohol and other harmful substances. The college also offers assistance with confidential counseling. Students, faculty and staff are encouraged to refer individuals who appear to be troubled by drug or alcohol use to one of these resources. For students, such counseling is available through the Counseling Service (extension 2840). Students who are concerned about their own or others' use of such substances may seek advice and counsel from appropriate college resources without fear of breach of normal rules of confidentiality or fear of punishment. The Employee Assistance Program (EAP) offers confidential counseling for employees confronting substance abuse. Employees or supervisors can contact the EAP at 855-784-2056. The Office of Human Resources (hr@smith.edu) may be contacted for information on the EAP program.

In addition to the confidential counseling services mentioned above, several national hotlines can provide information and referral:

INFORMATION ON LOCAL PROGRAMS (24 HOUR)

Alcoholics Anonymous..... 1-413-532-2111 *

Al-Anon and Ala-teen..... 1-413-782-3406

(Al-Anon is open to anyone whose life has been affected by another person's drinking)

Narcotics Anonymous..... 1-800-481-6871

National Alcohol and Drug Abuse

24-Hour Helpline 1-800-252-6465

* local call from Northampton

This policy will be reviewed at least biennially to assess its effectiveness, to implement appropriate changes and to ensure that the disciplinary sanctions discussed are consistently enforced.

Revised: 12/21; Reviewed: 11/21



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