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Drug and Alcohol Policy

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Office of Human Resources
5717 Corbett Hall
Orono, Maine 04469

Tel: 207.581.1581
Fax: 207.581.1548
hr-um@maine.edu

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Information About

DRUGS AND ALCOHOL

For

Students and Employees

of the

UNIVERSITY OF MAINE SYSTEM



UNIVERSITY POLICY ON ALCOHOL AND ILLEGAL DRUGS

University policy recognizes that substance abuse is a complex problem that is not easily resolved solely by personal effort and may require professional assistance and/or treatment. Accordingly, each campus and University Services have designated an individual to assist employees and students who seek referral for assistance with a substance-abuse problem. Students, faculty, and staff members with substance-abuse problems are encouraged to take advantage of available diagnostic, referral, counseling, and prevention services. However, employees and students availing themselves of these services will not be granted special privileges and exemptions from standard personnel practices applicable to job performance requirements and from standard academic and student conduct requirements. The University will not excuse acts of misconduct committed by employees and students whose judgment is impaired due to substance abuse.

Alcoholic Beverages

The sale, possession, and use of alcohol on campuses of the University of Maine System must comply with the laws of the state of Maine and with local campus regulations and procedures. The acquisition, possession, transportation, and consumption of alcohol by anyone under 21 years of age is prohibited by University policy.

Alcohol may be possessed or consumed on University property only by persons 21 years of age or older in their rooms or in appropriately licensed and/or approved campus facilities. Persons are expected to assume responsibility for their own behavior while drinking and must understand that being under the influence of alcohol in no way lessens their accountability to the University community.

Illegal Drugs

The possession, use, manufacture, dispensing or distribution of illegal drugs (heroin, cocaine, marijuana, LSD, steroids, etc.) is prohibited at any time on University property and as part of any University activities. "Illegal drugs" does not mean the use of drugs under a valid prescription. Employees and students known to use, possess, manufacture, dispense, or distribute illegal drugs are liable to public law-enforcement actions and University disciplinary actions. Employees and students who use prescribed medications are responsible for their secure storage and disposal.

Sanctions

Employees and students who violate the University's policy will be subject to disciplinary action by the University. The severity of the imposed sanctions will be appropriate to the violation; possible sanctions include suspension, probation, dismissal, restitution, official censure or reprimand, referral for prosecution, participation in a rehabilitation program, and other actions the University deems appropriate.

SPECIAL RULES THAT APPLY TO EMPLOYEES AND STUDENTS UNDER THE DRUG FREE WORKPLACE ACT

In November of 1988, the United States Congress enacted the Anti-Drug Abuse Act which contains a section called the “Drug Free Workplace Act of 1988.” This section requires organizations receiving federal grants and contracts to ensure that their workplaces are free from illegal use, possession, manufacture, dispensation, or distribution of controlled substances.

The law requires employers who receive federal funds to:

- notify employees that drug abuse is prohibited in the workplace,
- establish a drug-free awareness program,
- require each employee to notify the University of any criminal drug conviction for violations occurring in the workplace, and
- impose sanctions or remedial actions for convicted employees.

As a result of the Anti-Drug Abuse Act of 1988, a court of law may suspend or terminate an individual’s eligibility for federal benefits, including student financial assistance, if that individual is convicted of certain drug offenses.

As a University employee, the Drug Free Workplace Act requires you to notify your supervisor (for example, Department Director or Principal

Investigator) if you are convicted of any workplace-related criminal drug violation. You must notify your supervisor within five calendar days after the conviction. Failure to report a conviction may be grounds for dismissal.

The University must report in writing to the contracting or granting agency within 10 calendar days of receiving notice of the conviction.

Violations of the Drug Free Workplace Act can result in:

- disciplinary action, including dismissal
- suspension of payments under the grant
- suspension or termination of the grant
- suspension or debarment of the grantee

Maine has a medical marijuana law that permits medical use and possession of marijuana under certain circumstances. However, permitting employees or students to use or possess marijuana for medical purposes on campus would violate the federal Drug Free Workplace Act. Consequently, medical use or possession of marijuana on campus is prohibited. Employees and students who are under the influence of medical marijuana are not exempt from normal conduct and job performance standards.

FEDERAL DRUG OFFENSES

The criminal offenses most commonly charged under the Federal Controlled Substances Act are the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance or the possession of any controlled substance with the intent to manufacture, distribute, or dispense. Federal law also prohibits the knowing, intentional, and unauthorized creation, distribution, dispensing, or possession with intent to distribute or dispense a “counterfeit substance.”

Simple possession without necessarily an intent to distribute is also forbidden by federal law and carries a penalty of imprisonment and/or a minimum \$1,000 fine. Furthermore, “attempts” and/or conspiracies to distribute or possess with intent to distribute controlled substances are crimes under federal law.

Specific drug crimes carry greater penalties, including:

- the distribution of narcotics to persons under 21
- the distribution or manufacturing of narcotics near schools and colleges
- the employment of juveniles under the age of 18 in drug trafficking operations
- the distribution of controlled substances to pregnant women

The penalties for violating federal narcotic statutes vary considerably. The penalties may be more harsh based on three principal factors:

- the type of drug involved (heroin, cocaine, marijuana, LSD, etc.)
- the quantity of the drug involved
- prior conviction for a felony drug offense under Federal or State law

With the exception of simple possession charges which result in up to one year imprisonment and/or a fine, maximum penalties for narcotic violations range up to life in prison and, in very limited circumstances, the death penalty. Certain violations carry mandatory *minimum* prison sentences of either 5 years or 10 years. Harsher penalties will be imposed if a firearm is used in the commission of a drug offense. If a drug offense results in death or serious bodily injury to an individual who uses the drug involved, the penalties are also more harsh.

Anabolic steroids are controlled substances. Distribution or possession with intent to distribute carries a term of imprisonment which may not be less than 10 years and a \$500,000 fine..

Questions sometimes arise as to what amount of narcotics found in the possession of a person is considered to be for personal use as opposed to the more serious offense of possession with intent to distribute. Federal law, as a general rule, considers anything more than a dosage unit as indicating an intent to distribute. In other words, the greater quantity possessed by the individual, the more likely it is that an individual possessed such quantity with an intent to distribute.

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND DRUG ABUSE

Alcohol abuse and drug-use problems have become a national health concern. Alcohol is a chemical. So are drugs. Any chemical is potentially harmful to someone. Some of the health risks associated with alcohol and drugs are listed below. You should contact the resources in the back of this pamphlet for additional information about health risks.

ALCOHOL

- Slowing down of brain function, judgment, alertness, coordination, and reflexes
- Attitude and/or behavioral changes, such as uncharacteristic hostility, or increased risk taking such as driving recklessly
- Alcohol taken with other drugs can intensify the drug's effects, alter the desired effect of the drug, cause nausea, sweating, severe headache, and convulsions
- Addiction or chemical dependency
- Memory blackouts
- Uncharacteristic family, school, work, legal problems
- Physical problems such as cirrhosis of the liver
- Birth defects and mental retardation in user's children

COCAINE

- Destruction of nasal tissues
- Kidney damage
- Stroke
- Diseases of the lung, heart, and blood vessels
- Cardiac arrhythmia, convulsions, seizures, suppression of respiration, sudden death
- Intense anger, restlessness, paranoia, fear
- Hearing and seeing imaginary things
- Malnutrition

LSD

- Experiencing frightening hallucinations
- Triggering more serious problems for a person who has a history of mental or emotional instability
- Distortions of reality such as feeling that the unusual and sometimes frightening effects of the drug will somehow last forever
- Tolerance with repeated use means that increased amounts are needed to bring about the same effects
- Effects may recur ("flashbacks") days or weeks later, even without further use of LSD
- Death may result from suicide, accident

MARIJUANA

- Elevated blood pressure, coughing, dryness of the mouth and throat, decrease in body temperature, sudden appetite, swollen red eyes
- Panic reaction, paranoia
- Distortions of time, reality, and perception, often impairing short-term memory
- Possible addiction

- Dysfunctions related to thinking, learning, and recall
- Impaired ability to drive and do other things that require physical and intellectual capabilities
- Irritate lungs, aggravate asthma, bronchitis, emphysema
- Listlessness, fatigue, inattention, carelessness about personal grooming, withdrawal, and apathy • Chronic lung disease and lung cancer

METHAMPHETAMINE (commonly known as Crank, Crystal Meth, Speed, Meth, Ice)

- Mood swings, anger, depression
- Increased heart rate and blood pressure
- Insomnia
- Delusions, paranoia
- Violent and psychotic behavior
- Convulsions
- Infectious diseases from injection, including hepatitis and HIV
- Fatal overdose

OPIATES (including heroin, methadone, codeine, OxyContin)

- Loss of appetite
- Severe addiction
- Infectious diseases from injection, including hepatitis and HIV
- Fatal overdose

PRESCRIPTION DRUGS (most common are OxyContin, Vicodin, Valium, Xanax, Ritalin, Adderall)

- Unknown reaction or allergy
- Overdose leading to harm or fatality
- Addiction
- Seizures
- Drowsiness or trouble sleeping
- Breathing problems
- Heart problems
- Disruption of normal body function

STEROIDS

- Liver disease
- Cancer
- Growth problems
- Testicular atrophy
- Bone fusions
- Acne
- Psychological problems
- Rage and uncontrolled anger
- AIDS
- Breast reduction
- Failure of secondary sex characteristics
- Sexual dysfunction, sterility (reversible), impotence
- Fetal damage

MAINE ALCOHOL LAWS

Furnishing liquor to a minor (or allowing a minor to consume alcohol in a place under your control): up to \$2,000 fine and less than one year in jail. Furnishing liquor to a visibly intoxicated person: 6 months in jail and/or \$500 fine.

Maine Liquor Liability Act: civil liability for negligently or recklessly serving alcohol to a minor or a person visibly intoxicated. If property damage, bodily injury, or death results, monetary damages of up to \$350,000 plus medical expenses may be awarded. This act could apply to a person or organization that is not licensed to serve alcohol.

Illegal sale of liquor (without a license from the Maine Bureau of Alcoholic Beverages): \$300 – \$500 fine plus costs, plus up to 30 days in jail for the first offense.

Illegal possession with intent to sell: up to \$1,000 fine and six months in jail. Any vehicle used to transfer liquor with intent to sell the liquor illegally can be seized.

Operating Under the Influence (OUI)

Maine motor vehicle law makes it a crime for any person to operate a motor vehicle in Maine under the influence of alcohol or drugs or with an excessive blood-alcohol level. Penalties for first convictions are: If your blood-alcohol content is .08 to .14 percent:

- a fine of at least \$500, and
- loss of license for at least 150 days

If your blood-alcohol content is .15 percent or more, or you are traveling 30 m.p.h. or more over the speed limit, or you attempt to elude an officer of the law, or you have a passenger in the vehicle who is under 21 years of age:

- a fine of at least \$500
- at least 48 hours in jail, and
- loss of license for at least 150 days

If you refuse to submit to a blood alcohol test:

- a fine of at least \$600
- at least 96 hours in jail, and
- loss of license for at least 150 days

Penalties for subsequent convictions are more severe. If you are convicted for OUI while under suspension for previous OUI, your vehicle may be seized. If you refuse

to be tested, you automatically lose your license for a minimum of 275 days. Maine civil law also prohibits drinking alcoholic beverages *while* driving on a public road and the possession of an open container of alcohol by the driver or a passenger.

Special Liquor Laws Relating to Minors

Illegal Possession of Liquor

Any minor (a person under the age of 21 years) who is found to be in possession or control of alcohol, except in the scope of employment or in the minor's home in the presence of the minor's parent or guardian, is guilty of a civil infraction and shall be fined:

- 1st offense, \$200 to \$400
- 2nd offense, \$300 to \$600
- 3rd and subsequent offense, \$600

Teen Drinking Laws

An individual under the age of 21 years shall have his/her license suspended for one year if he/she operates a motor vehicle with any alcohol in his/her blood. Having a passenger under age 21 must also result in an additional 275 day suspension. Refusal to submit to a chemical test will result in an eighteen month suspension of a driver's license. One can of beer, one glass of wine, or one ounce of distilled spirits can result in a blood alcohol level of .02 or more. Minors who have a blood alcohol level of .08% or more may be prosecuted for the criminal offense of OUI.

Illegal Transportation

No minor shall knowingly transport or knowingly permit to be transported alcohol in a motor vehicle under the minor's control except in the scope of his/her employment or at the request of the minor's parent. The penalty is a 30-day driver's license suspension. A reinstatement fee will be charged to get a license reinstated. Points will be assessed against the offender's license. Up to a \$500 fine may be assessed. A second offense results in a license suspension of 90 days and a fine of not less than \$200, and subsequent offenses result in a one-year suspension and a fine of not less than \$400.

MAINE DRUG LAWS

Maine law prohibits the knowing, intentional and unauthorized possession, furnishing (distribution or giving away), and trafficking (selling) of scheduled drugs, such as cocaine, marijuana, lysergic acid diethylamide (LSD), heroin, and steroids.

Possession can include merely allowing drugs to be kept in your room, car, or locker even though the drugs are owned by someone else.

Furnishing means giving drugs to another, regardless of profit. If a student on one end of a bleacher sends drugs to a student at the other end, everyone who passed the drugs and who knew (or should have known) they were passing illegal drugs is legally guilty of “furnishing” that drug. Sharing a line of cocaine with friends (even if the friends don’t pay for it) is “furnishing cocaine.”

Aggravated furnishing (carrying longer terms of imprisonment or greater fines) involves an aggravating factor, including but not limited to the following:

- Furnishing drugs to a minor
- Furnishing 112 grams or more of cocaine or 32 grams or more of cocaine base

- Furnishing involving a firearm
- Prior conviction of a drug-related offense with a prison term of more than a year.

Trafficking is selling or exchanging an illegal drug and getting something in return. Trafficking also includes making, creating, manufacturing, growing, or cultivating drugs, or possessing with the intent to traffic or possessing more than a certain amount of certain drugs.

Aggravated trafficking (carrying longer terms of imprisonment or greater fines) involves an aggravating factor, including but not limited to the following:

- Trafficking within 1,000 feet of an elementary or secondary school
- Trafficking on a school bus
- Trafficking involving a minor (under 18)
- Trafficking 112 grams or more of cocaine or 32 grams or more of cocaine base
- Trafficking involving a firearm
- Prior conviction of a drug-related offense with a prison term of more than a year.

SOME STATE OF MAINE ILLEGAL DRUG VIOLATION PENALTIES

	COCAINE			MARIJUANA***			LSD			HEROIN			STEROIDS		
	Prison/Yrs.		Fine**	Prison/Yrs		Fine	Prison/Yrs.		Fine	Prison/Yrs.		Fine	Prison/Yrs.		Fine
Possession*	up to 1 yr	&/or	\$400 up to \$2,000	up to 6 mths	&/or	\$400 up to \$1,000	up to 1 yr	&/or	\$400 up to \$2,000	up to 5 yrs	&/or	\$400 up to \$5,000	up to 6 mths	&/or	\$400 up to \$1,000
	Increased penalties for cocaine base and depending on amount														
Furnishing	up to 5 yrs	&/or	\$400 up to \$5,000	up to 1 yr	&/or	\$400 up to \$2,000	up to 5 yrs	&/or	\$400 up to \$5,000	up to 5 yrs	&/or	\$400 up to \$5,000	up to 1 yr	&/or	\$400 up to \$2,000
Trafficking	up to 10 yrs	&/or	\$400 up to \$20,000	up to 1 yr	&/or	\$400 up to \$2,000	up to 10 yrs	&/or	\$400 up to \$20,000	up to 10 yrs	&/or	\$400 up to \$20,000	up to 1 yr	&/or	\$400 up to \$2,000
Aggravated trafficking	4 - 30 yrs	&/or	\$400 up to \$50,000	up to 5 yrs	&/or	\$400 up to \$5,000	4 - 30 yrs	&/or	\$400 up to \$50,000	4 - 30 yrs	&/or	\$400 up to \$50,000	1 - 5 yrs	&/or	\$400 up to \$5,000

*The amount of the drug possessed determines whether the crime is categorized as possession, furnishing, trafficking, or aggravated trafficking.

**The court may order any person convicted of possession, furnishing, or trafficking to pay a fine in an amount up to twice the pecuniary gain he/she derived from the crime or to pay a fine equal to the value, as of the time of the offense, of the drugs involved in the offense.

***The amount of marijuana will increase the penalties. For example, the penalties for trafficking are increased to up to 5 years in jail and \$5,000 fine if the amount of marijuana is 1 to 19 pounds, and up to 10 years in jail and \$20,000 fine if the amount of marijuana is 20 pounds or more.

NOTE: State law allows for forfeiture of motor vehicles used in the commission of drug-related crimes. Possession of marijuana may be a civil violation.

Each campus of the University of Maine System has designated individuals to help students and employees deal with substance abuse problems. In addition to the designated individuals, you may discuss problems with residence hall staff, counselors, or your supervisor. Those individuals can help you get assistance from a trained professional. TTY callers may contact these individuals through the Maine Telecommunications Relay Service (MERS) at 711.

WHERE CAN EMPLOYEES GO FOR HELP?

All Locations

CIGNA Behavioral Health Employee Assistance Program
Telephone: 1-877-622-4327

WHERE CAN STUDENTS GO FOR HELP?

UMaine

Alcohol and Drug Education Specialist
Monday – Friday 8:00am – 4:30pm
(207) 581-3633
Student Wellness Resource Center
Memorial Union, Room 149

UMA/Augusta Campus

Counseling Services
Monday – Friday 8:00am – 4:30pm
(207) 621-3044
195F Jewett Hall

UMA/Bangor Campus

Counseling Services
Monday – Friday 8:00am – 4:30pm
(207) 262-7836
127 Eastport Hall

UMF

Counseling Services
Monday – Friday 8:00am – 4:30pm
Center for Student Development
(207) 778-7034
252 Main Street

UMFK

Counseling Services
Monday – Friday 8:00am – 4:30pm
(207) 834-7532
Powell Hall, Room 226

UMM

Mental Health Coordinator
Monday – Friday 8:00am – 4:30pm
(207) 255-1343
Dorward Hall

UMPI

Counseling Services
Monday – Friday 8:00am – 4:30pm
(207) 768-9791
Emerson Annex

USM

Director, University Counseling Services
Monday – Friday 8:00am – 4:30pm
(207) 780-4050
105 Payson Smith

UMS CENTERS

Students may contact either the Student Services Coordinator at the center or the designated campus person at the campus

In addition to campus resources you may find local social service agencies who can help. Consult the telephone directory. “Community Services Numbers” are listed in the front of the directory. Also see the Yellow Pages listings for Alcoholism Information and Treatment Centers and Drug Abuse and Addiction Information and Treatment.

The following state and national telephone numbers may also be helpful:

- 1-800-499-0027 -- Maine Office of Substance Abuse and Mental Health Services Information and Resource Center, to receive information about treatment services.
- 1-800-662-HELP – Referral for Alcohol and Substance Abuse Services

The University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, including transgender status and gender expression, national origin, citizenship status, age, disability, genetic information or veteran status in employment, education, and all other programs and activities. The following person has been designated to handle inquiries regarding non-discrimination policies: Campus Equal Opportunity Director or Director, Equal Opportunity Center of Excellence, 5754 North Stevens Hall, Orono, ME 04469; voice (207) 581-1226, TTY 711 Maine Telecommunications Relay Service (MERS).