

TEMPLE UNIVERSITY
BOARD OF TRUSTEES
POLICIES AND PROCEDURES MANUAL

Title: Employee Drug and Alcohol Policy
Policy Number: 04.63.01

Issuing Authority: Board of Trustees
Responsible Officer: University Counsel

Date Created: September 27, 1990
Date Last Amended/Reviewed: September 18, 2014
Date Scheduled for Review: June 2016
Reviewing Officer: University Counsel

Scope of Policy

This Policy applies to all Temple University employees.

Statement of Purpose

Temple University seeks to encourage and sustain an academic environment that both respects individual freedom and promotes the health, safety and welfare of all members of its community. Members of the university community are expected to conduct themselves in a manner in which they do not cause harm to themselves or others, and that they neither break laws nor contribute to the delinquency of others. The unlawful use of controlled substances (drugs) and alcohol misuse and abuse represent a danger to the health of an employee which may result in serious injury or death, and also poses risks to the health and safety of others in the university community.

In keeping with these objectives, the university has established the following policy governing the unlawful use, consumption, possession, distribution and manufacture of illicit drugs and alcohol on university property or as part of university activities.

I. Policy

It is a violation of the alcohol and drug policy for any employee to engage in the following on university property, or as part of any University activity:

- Unlawful use, possession, manufacture, or distribution of alcoholic beverages, or public intoxication.

- The unlawful or unauthorized use, possession or cultivation of any drug(s), including prescribed medication.
- The manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances, including prescribed medications, except in accordance with the Controlled Substance, Drug, Device and Cosmetic Act of Pennsylvania or other applicable laws.
- Becoming intoxicated through the abuse of solvents, aerosols or propellants.
- Causing another person to become impaired without his/her knowledge by administering or employing drugs or other intoxicants.

II. Penalties for Policy Violation

- Violation of this policy will subject the employee to disciplinary action up to and including discharge from employment, and may have other legal consequences.
- In addition to possible university sanctions, any employee who violates this policy may be subject to criminal prosecution under applicable local, state, and federal laws. Where appropriate or necessary, the university will cooperate fully with law enforcement agencies. A description of the applicable legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol is set forth in Appendix 1.

III. Health Risks

Health risks associated with the use of illicit drugs and abuse of alcohol are varied. Among the many risks to the individual are brain damage, cirrhosis of the liver, cancer, ulcers, heart ailments, impotence, fetal alcohol syndrome, depression, paranoia, memory loss, blackouts, psychological and emotional problems, hypertension, eating disorders, loss of coordination, poor vision, and gastrointestinal problems.

- **Alcohol.** Alcohol consumption causes a number of changes in behavior and physiology. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle. According to the National Institute on Alcohol Abuse and Alcoholism binge drinking is defined as a pattern of alcohol consumption that brings the blood alcohol concentration (BAC) level to 0.08% or more. This pattern of drinking usually corresponds to 5 or more drinks on a single occasion for men or 4 or more drinks on a single occasion for women, generally within about 2 hours.
- **Narcotics.** Drugs included in this classification include opium, morphine, codeine, heroin, OxyContin, Percocet and other opium derivatives and synthetics. The first or second administration of narcotics results in a tremendous

euphoric feeling that cannot be repeated due to the rapid development of tolerance to the drug.

- **Amphetamines.** Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.
- **Cannabis (Marijuana, Hashish).** The use of marijuana may impair or reduce short- term memory and comprehension, alter sense of time, and reduce coordination and energy level. Frequent users often have a lowered immune system and an increased risk of lung cancer.
- **Cocaine/Crack.** The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.
- **Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the area of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.
- **Heroin.** Heroin is an opiate drug that causes the body to have diminished pain reactions. Heroin is physically addictive and users develop a rapid tolerance to the drug; the user must continue ingesting the drug to avoid withdrawal symptoms. This and other opiate drugs (morphine, codeine, heroine, OxyContin, Percocet) are respiratory depressants; use can be associated with coma and death.

Source: University of Pennsylvania, 2012.

IV. Counseling and Treatment

Employees in need of information regarding available confidential drug or alcohol counseling may access the following resources:

- Employee Health Services – 1810 Liacouras Walk, 4th Floor ; T – (215) 204-2679
- Human Resources Absence Management at (215) 926-2272
- Employee Assistance Program -
<http://www.temple.edu/hr/departments/benefits/eap.htm>

Employees should also review the Employee Handbook for resources and information.

V. Additional Information

- Annual Review
 - Federal law requires the university to notify annually all employees of the university's policy concerning drug and alcohol use, possible sanctions that may be imposed by the university and law enforcement agencies, the

health risks associated with drug and alcohol use, and available counseling and treatment.

- Amendments
 - The President or his/her designee is authorized to amend this policy in response to changes in legal requirements or otherwise to effectuate its purpose.
- Effect on Prior Policies
 - This policy supersedes and replaces all prior employee drug and alcohol policies.
- Dates of official enactment and amendments:
 - Employee related drug policies adopted by the Board of Trustees (in Special Executive Session) on September 27, 1990.
 - Policy no. 04.63.01 incorporated into Employee Handbook and other employee materials in 2003.
 - Policy no. 04.63.01 approved for republication by the Executive Committee on September 18, 2014.
- Cross References
 - Temple University Employee Handbook

APPENDIX 1

Relevant Laws and Related Criminal Sanctions

In addition to university sanctions, any employee who violates this policy will be subject to criminal prosecution and penalties under applicable local, state, and federal laws.

Alcohol

The [Pennsylvania Liquor Control Board website](#) explains alcohol and the law in the state of Pennsylvania, [programs](#) and [resources](#) available, as well as provides information for [parents](#). Below are the applicable restrictions on alcohol in the state of Pennsylvania.

1. The Pennsylvania Liquor Code, 47 Pa., C.S.A., 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code as well as portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa., C.S.A. 6307 et seq., provides the following:
2. It is a summary offense for a person under the age of twenty-one to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. Penalty for a first offense is suspension of driving privileges for 90 days, a fine up to \$300 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year, a fine up to \$500, and imprisonment for up to one year; for subsequent offense, suspension of driving privileges for two years, a fine up to \$500 and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.
3. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of twenty-one). "Furnish" means to supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. Penalty for a first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.
4. It is a crime for any person under twenty-one years of age to possess an identification card falsely identifying that person as being twenty-one years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. Penalties are stated in (2) above.
5. It is a crime intentionally, knowingly or recklessly to manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity,

birth date, or age of another. Minimum fine is \$1,000 for first violation; \$2,500 for subsequent violations; imprisonment for up to one year for any violation.

6. It is a crime to misrepresent one's age knowingly and falsely to obtain liquor or malt or brewed beverages. Penalties are as stated in (1) above.

7. It is a crime knowingly, willfully and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

8. It is a crime to hire, request or induce any minor to purchase liquor or malt or beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

9. Sales without a license or purchases from an unlicensed source of liquor or malt or brewed beverages are prohibited.

10. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations. The University will cooperate with the appropriate law enforcement authorities for violations of any of the above-mentioned laws by a employee.

11. The use in any advertisement of alcoholic beverages of any subject matter, language or slogan directed to minors to promote consumption of alcoholic beverages is prohibited.

Drugs and Controlled Substances

1. The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et seq., sets up five schedules of controlled substances based on dangerousness and medical uses. Penalties for first-time violators of the Act range from thirty days imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to fifteen years or \$250,000 or both for the manufacture or delivery of a Schedule I or II narcotic. A person over eighteen years of age who is convicted for violating The Controlled Substance, Drug, Device and Cosmetic Act, shall be sentenced to a minimum of at least one year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which a university is located, the person shall be sentenced to an additional minimum sentence of at least two years total confinement.

2. The Pharmacy Act of 1961, 63 Pa. C.S.A. 390-8 makes it unlawful to procure or attempt to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both.

3. The Vehicle Code, 75 PA, C.S.A. 3101 et seq., which was amended effective July 1, 1977, prohibits driving under the influence of alcohol or a controlled substance, or both, if the driver thereby is rendered incapable of safe driving. A police officer is empowered to arrest without a warrant any person whom he or she has probable cause to believe has committed a violation, even though the officer may not have been present when the violation was committed. A person so arrested is deemed to have consented to a test of breath or blood for the purpose of determining alcoholic content, and if a violation is found it carries the penalties of a misdemeanor of the second degree, which includes imprisonment for a maximum of thirty days.

4. The Federal drug laws, The Controlled Substances Act, 21 U.S.C. 801 et seq., are similar to the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, but contain, for the most part, more severe penalties. Schedules of controlled substance are established, and it is made unlawful knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to distribute or dispense a controlled substance. If the quantity of controlled substance is large (e.g. 1,000 kg of a mixture or substance containing marijuana), the maximum penalties are life imprisonment, a \$4,000,000 fine, or both. Lesser quantities of controlled substance (e.g. 100 kg of a mixture or substance containing marijuana) result in maximum penalties of life imprisonment, a \$2,000,000 fine, or both. The distribution of small amounts of marijuana for no remuneration or simple possession of a controlled substance carries a maximum of one year's imprisonment, a \$5,000 fine, or both, with the penalties for the second offense doubling. Probation without conviction is possible for first offenders. Distribution to persons under the age of twenty-one by persons eighteen or older carries double or triple penalties.

Double penalties also apply to the distribution or manufacture of a controlled substance in or on or within 1,000 feet of the property of a school or college.