

Drug and Alcohol Policy

I. Scope and Application

This Drug and Alcohol Policy ("Policy") applies to all Johnson & Wales University ("JWU") employees (including student employees, acting in their capacity as such), agents, officers, and persons directly under university control or acting on the university's behalf (collectively, "Covered Persons").

II. Definitions

A. **"Educational setting"** means both university premises and approved educational sites off campus.

B. **"Unlawful"** means, for these purposes, in violation of federal, state, or local statutes, regulations, ordinances, or applicable case law. Where federal and state law conflict—so that a substance may lawfully be used under state law but not federal law—federal law will control. Therefore, if a substance is illegal under federal law, even if a state legalizes that substance, the substance remains illegal and subject to this Drug and Alcohol Policy. For example, even as multiple states, including Rhode Island, have legalized certain uses of marijuana, marijuana remains an illegal Schedule 1 substance under federal law.

C. **"Workplace"** means either university premises or any place where university business is conducted away from university premises.

III. Policy

A. General

1. As a recipient of federal aid and federal grants, the university adheres to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.
2. In accordance with these laws, the university prohibits the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances, drug paraphernalia, and alcohol at the workplace and in the educational setting. Possession or use of alcoholic beverages anywhere on university property is prohibited, except for legal use in the workplace or educational or limited other settings specifically sanctioned by the university.
3. JWU is not, and cannot be considered, a protector or sanctuary from the existing laws of local, state, or federal governments.

B. Sanctions

1. Students: Disciplinary sanctions that may be imposed on a student found to be in violation of this policy include, but are not limited to, revocation of certain privileges, community service, conduct warnings, conduct probation, fines or restitution for loss, suspension or dismissal from the university and/or university housing, referral to alcohol education or other similar classes, and possible referral to local authorities consistent with applicable law. The university reserves the right to notify parents of alcohol and drug violations by students who are under the applicable legal drinking age, consistent with applicable law. Students who are Pell Grant recipients must notify the university within five days of any criminal drug statute conviction for a violation occurring on or off university premises while conducting university business or activities.
2. Employees: All employees must abide by this policy and must disclose to the university any criminal drug or drug-related conviction. Employees who violate this policy will be subject to disciplinary action up to and including separation of employment and possible referral to the appropriate authorities consistent with applicable law.
3. All: JWU sanctions will be consistent with local, state, and federal laws.

C. Effects of Alcohol and Controlled Substances

1. Please see examples of the effects of alcohol and controlled substances, <https://nida.nih.gov/sites/default/files/cadchart.pdf>

D. JWU's Substance Abuse Prevention Program

1. Students:

a) Several programming initiatives and alternatives are available to help students examine their own behavior related to alcohol and other drugs ("AOD").

b) Counseling Services provides an assessment of AOD usage for all students who seek counseling.

c) Referrals to community resources are available for individuals with more long-term or complex needs. A number of Alcoholics Anonymous ("AA")/ Narcotics Anonymous ("NA")/Al-Anon groups hold meetings close to campus and in the larger local community.

d) Counseling Services offers AOD prevention through programming efforts with various student groups and Student Affairs departments.

e) Counseling Services also collaborates with Community Standards and Conduct to provide educational and other resources for students with problematic drinking behavior and drug use.

f) For further information, students should call Counseling Services at 401-598-1016 (Providence Campus) or 980-598-1700 (Charlotte Campus).

2. Employees:

a) An Employee Assistance Program ("EAP") is available for university (non-student) employees and their family members. This important benefit allows eligible persons the opportunity to access professional and confidential counseling services for help in dealing with personal issues, including alcohol and drug problems. This benefit is administered by Coastline EAP. Coastline EAP can be contacted at 800-445-1195, or at www.coastlineeap.com. For further information regarding this benefit, you may also contact Human Resources & Payroll at 401-598-1034 (Providence campus) or 980-598-1006 (Charlotte campus).

3. For additional information, please review the resources and data available at www.samhsa.gov. The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities.

E. Examples of Potential Violations and Penalties for Drug and Alcohol Offenses

1. Examples of Violations:

- a) Federal, state, and local laws prohibit the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances and alcohol.
- b) It is unlawful for anyone under the age of 21 to possess or purchase alcoholic beverages, for anyone to purchase alcohol for or furnish alcohol to anyone under the age of 21, and for anyone to misrepresent one's age, such as by falsifying an identification card.
- c) It is unlawful to operate a motor vehicle under the influence of controlled substances or alcohol.

2. Examples of Penalties: Depending on the offense involved, potential penalties may include (among others):

- a) suspension or loss of the offender's driver's license or driving privileges;
- b) fines (including fines of hundreds or hundreds of thousands of dollars); and
- c) imprisonment for various terms up to a term of life.

3. Based on a 2021 U.S. Department of Education change in requirements, a student no longer faces penalties or suspension of Title IV aid due to a drug conviction that occurred while the student was enrolled and receiving Title IV aid.

F. Statutory Citations:

1. See examples of federal law violations and penalties related to controlled substances, http://www.iecc.edu/sites/default/files/inline-files/IECC_Federal_Trafficking_Penalties.pdf
2. As to state law violations and penalties, examples include the following:
 - a. Rhode Island: Rhode Island criminal offenses and penalties related to drugs and alcohol are detailed in the Rhode Island General Laws Title 21, Chapter 21-28 (Uniform Controlled Substances Act) and throughout Title 3 (Alcoholic Beverages), which provisions may be accessed online.
 - b. North Carolina: North Carolina General Statutes governing drugs and alcohol, Chapter 90, Article 5 (North Carolina Controlled Substances Act), may be accessed online, and Chapter 18B (Regulation of Alcoholic Beverages), may be accessed online.
 - c. Please note that this Policy does not contain a comprehensive listing of all potential legal violations and penalties. Related documents include JWU's Employee Code of Conduct and JWU's Student Handbook.

IV. Policy Owners

Associate Dean of Students for Counseling, Health & Wellness, Providence
Campus Director of Human Resources

V. Effective Date

Originally issued: 2007

Last update: March 2025