

Bates College

Drug-Free Schools and Campus Regulations

2019 Biennial Review Report

Introduction to the Drug-Free Schools and Campuses Act

The Drug-Free Schools and Campuses Regulations requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education (IHE) must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. If audited, failure to comply with the Drug-Free Schools and Campuses Regulations may cause an institution to forfeit eligibility for federal funding.

In order to certify its compliance with the regulations, an IHE must adopt and implement a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities. Creating a program that complies with the regulation requires an IHE to do the following:

1. Prepare a written policy on alcohol and other drugs.
2. Develop a sound method for distribution of the policy to every student and IHE staff member each year.
3. Prepare a biennial review report on the effectiveness of its alcohol and other drug (AOD) programs and the consistency of policy enforcement.
4. Maintain its biennial review report on file so that, if requested to do so by the U.S. Department of Education, the campus can submit it.

Compliance with the Drug-Free Schools and Campuses Act

Bates College remains in compliance with the requirements of the Drug-Free Schools and Communities Act. Bates College has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by Bates College students and employees both on its premises and as a part of any of its activities, as demonstrated through this biennial review. In addition, Bates College has a written policy on alcohol and other drugs and has developed a thorough method for distribution of this policy to every student and employee. The annually distributed written materials contain the following information:

- Standards of conduct that prohibit unlawful possession, use of illicit drugs and alcohol on the property or as a part of its activities
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol
- A description of applicable legal sanctions under local, state or federal law
- A description of counseling or treatment programs
- A clear statement and description of the disciplinary sanctions the institution will impose on students and employees.

In order to meet compliance, the 2019 Biennial Review of the Bates College alcohol and other drug related policies and programs was conducted on July 1, 2019. The objectives of the review, as identified by the U.S. Department of Education, include:

- Determining the effectiveness of, and to, implementing any needed changes to alcohol and other drug programs, and
- Ensuring that the disciplinary sanctions for violating standards of conduct are enforced consistently.

Alcohol and Other Drug (AOD) Goals

Bates College is committed to ensuring, to the best of its ability, that its students, staff, and faculty are aware of the dangers of abuse of alcohol and other drugs, have appropriate information and resources to amend such abuse, and are subjected to appropriate enforcement regarding the inappropriate or illegal use or abuse of such substances on campus and at other venues that involve college community members. AOD efforts directed to Bates College students focus on harm reduction and recognizing the reality of AOD abuse among late adolescents and young adults in this country. Bates College fully supports those who choose to remain abstinent from the use of alcohol or other drugs, and it seeks to provide a broad array of activities that are alcohol and drug-free. More generally, the college is dedicated to attempting to change the culture of AOD abuse that is so common among American college students.

Policies

Employee Drug and Alcohol Policies (& Drug-Free Workplace Act of 1988 Notice)

Bates College is committed to providing a safe work environment and to fostering the well-being and health of its faculty and staff, as well as compliance with the Drug Free Workplace Act. That commitment is jeopardized when any member of the Bates community uses illegal drugs or alcohol on the job, comes to work with these substances present in his/her body or possesses, distributes or sells drugs in the workplace. Bates has established the following guidelines with regard to alcohol and other drugs to ensure that we can meet our obligations to faculty and staff, students, our community and the public.

The goal of these guidelines is to balance our respect for individuals with the need to maintain a safe, productive and Drug-Free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that illegal drug use and alcohol abuse are incompatible with working at Bates.

1. It is a violation of our policy for any employee to possess, sell, trade, offer for sale or furnish illegal drugs or otherwise, engage in the use of illegal drugs or alcohol on the job.
2. It is a violation of our policy for anyone to report to work under the influence of illegal drugs or alcohol.
3. It is a violation of our policy for anyone to use prescription drugs illegally. It is not a violation of our policy for an employee to use legally prescribed medications*, but the employee should notify Human Resources if the prescribed medication may affect the employee's ability to perform his/her job. Human

Resources will not disclose the nature of an employee's medication but may inform the employee's supervisor of any required restrictions of duty.

4. Violations of this policy are subject to disciplinary action ranging from a letter of reprimand to suspension from work without pay, up to and including dismissal. If the supervisor has a reasonable belief that any employee may be abusing illegal substances, the supervisor should encourage such an employee to seek help. One of the resources that are available is our Employee Assistance Program (EAP). Because all employees are expected to be concerned about working in a safe environment, they should encourage their fellow employees who may have an alcohol or other drug problem to seek help.

5. In accordance with the Drug-Free Workplace Act, employees are required to report to the college any criminal drug statute conviction based on acts in the workplace within five days of conviction. The college, within ten days of such Report must in turn report the conviction to any Federal Agency funding any program in which the employee participates. Finally, the college must within thirty days of such report take appropriate personnel action, up to and including termination, or require the employee to participate satisfactorily in an approved substance abuse or rehabilitation program.

Employee violations of these policies will be reported to the Vice President of Academic Affairs and Dean of the Faculty, in the case of members of the Faculty, or to the Vice President for Finance and Administration and Treasurer for all other employees, for review and action.

It is Bates College's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

*In accordance with State of Maine law, the college recognizes prescribed medical marijuana as a legally prescribed medication.

Student Drug and Alcohol Policy

Conduct that is dangerous to self or others, or conduct that creates a disturbance or disrupts the ability of the College to carry on its essential functions may constitute a "dangerous or disorderly conduct" violation. In accordance with the Drug-Free Schools and Communities Act, the College's standards of conduct prohibit the unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees, on the College's property, or as part of any of its activities.

Examples of dangerous or disorderly conduct violations include:

Illegally possessing, using, or distributing any scheduled drugs

- Unlawful possession, distribution, or use of illegal drugs and narcotics, including amphetamines, marijuana, cocaine, heroin, and LSD, renders a student liable to disciplinary action, including confiscation of materials, student conduct action up to and including suspension and dismissal, and/or referral to local police authorities.

Violating the College's alcohol policy

- Bates College observes all laws governing the use of alcoholic beverages within the State of Maine. Students are held responsible for complying with all aspects of Maine laws and Bates alcohol policy. The prohibitions of the Bates Student Conduct Code and Maine law include, but are not limited to, the following:
- The sale of alcoholic beverages by any person who does not have a license to sell such beverages in full force and effect at the time of the sale;
- The sale of alcoholic beverages by any person to a person who has not attained the age of 21 years;
- Consumption or purchase of alcoholic beverages by any person who has not attained the age of 21 years;
- The furnishing of, procurement of or delivery of alcoholic beverages to a person who has not attained the age of 21 years;
- The furnishing of, procurement of, or delivery of alcoholic beverages to a person who is intoxicated;
- The presentation of any written or oral evidence of age which is false, fraudulent, or not a person's own for the purpose of ordering, purchasing, or attempting to purchase or otherwise procuring or attempting to procure intoxicating liquor by a person who has not attained the age of 21 years;
- Transportation by automobile within the state of Maine of alcoholic beverages by any person who has not attained the age of 21 years;
- Possession or use of a keg by any student on the premises of the College except at registered events or parties where the appropriate measures are in place to prevent underage consumption of alcohol;
- Possession or consumption of hard alcohol or any beverage containing hard alcohol by any student on the premises of the College, at any College-sponsored event, or while the student is engaged in a College-related activity.

Violations of College policy or Maine law at registered events or parties occur at the risk of the individuals involved and are not the responsibility of the College.

Violators of these policies may be subject to student conduct action, including confiscation of materials, the revocation of the privilege of using College facilities for such events and/or referral to the Office of Student Support & Community Standards or the Student Conduct Committee. The College reserves the right to involve law enforcement authorities and/or undertake legal proceedings against a student for the violation of this policy.

The College will also utilize its mental health resources to help students involved with drugs and alcohol.

Department of Athletics Alcohol, Drug, and Other Prohibited Substances Policy

Bates College has established community standards for the use of alcohol and other drugs, detailed in the Alcohol and Drug Policy found in the Code of Student Conduct. The Department of Athletics Alcohol, Drug, and Other Prohibited Substances Policy articulates the expected standards of behavior of all

student–athletes regarding the use or abuse of alcohol, other drugs and prohibited substances and the support measures and minimum sanctions that will be implemented when violations of this policy occur. This policy will apply regardless of whether a violation occurs before, during, or after a student–athlete’s competitive season.

This policy serves as a baseline for individual coaches, who have the latitude to establish additional team policies either in-season or out- of-season, in consultation with the Director of Athletics. This policy does not supersede the discretion of individual coaches regarding the student–athletes on their team and their status as a member of their team. Under the supervision of the Director of Athletics, coaches retain discretion over all team participation decisions.

The Department of Athletics seeks to support student– athletes holistically and recognizes the connections between the athletic, academic and social aspects of their lives. The use and abuse of alcohol, other drugs or prohibited substances can have significant detrimental effects on all aspects of a student’s life. Alcohol and marijuana, in particular, undermine the core mission of the Department of Athletics by impairing the student- athlete’s ability to train and perform to their full potential. In addition to affecting the individual student- athletes, the use and abuse of alcohol, other drugs or prohibited substances can have a negative impact on the integrity and character of individual teams or the department as a whole.

The Department of Athletics partners with the Office of Student Support and Community Standards and Campus Safety and Security to implement this policy. While these offices will routinely share information in order to best support our students, this Athletic Department policy does not supersede or replace the college’s Alcohol and Drug Policy or the Code of Student Conduct.

The Use of Alcohol and Marijuana

Bates College student–athletes must comply with all NCAA policies and programs and college policies related to alcohol and marijuana. Additionally, all student–athletes are expected to abide by the civil laws regarding alcohol and marijuana use and possession. The illegal or irresponsible use of alcohol violates the college alcohol policy, and marijuana possession/use is prohibited.

Department sanctions will generally be levied for the following:

1. The consumption of or being under the influence of alcohol or the use of or being under the influence of marijuana by student–athletes at any Athletics Department sponsored activity. A sponsored activity includes, but is not limited to, any contest, practice or team meeting, travel to or from sites of practice or competition, and camps/clinics.
2. A documented violation of the college’s Alcohol and Drug Policy (i.e., a Campus Security report that results in a level II violation or other formal action through the student conduct process).
3. A civil citation and/or arrest for an alcohol/marijuana offense.

Violations of this policy are cumulative throughout an athlete’s entire career at the college. Violations of other college or department policies or standards or particularly egregious conduct (including distribution of marijuana) will be adjudicated under the Student–Athlete Code of Ethics. These violations

may also be referred directly to the Office of the Vice President for Student Affairs and Dean of Students or the Student Conduct Committee, where sanctions of probation, suspension and expulsion are considered.

First Violation

First-time violators must meet with the appropriate coach/staff member to discuss the incident. If an official warning is issued, a written copy of the warning will be sent to the student-athlete. A copy will also be placed in the individual student-athlete's file. If needed, the student athlete may be referred to the Health Center for counseling related to the violation. If the Dean's office deems the infraction a level II violation, further action will be taken as appropriate.

Second Violation

A second violation will result in the loss of participation, e.g., competition, practice and/or team activity as decided by the Director of Athletics and Head Coach. In addition, the student-athlete will be required to meet with the Director of Athletics and to complete community restitution hours. The student-athlete may also be required to complete educational programming and/or to attend counseling at the Health Center. A copy of the outcome letter will be sent to the student-athlete and a copy will be placed in the student-athlete's file.

Third Violation

Athletes who violate this policy a third time face suspension or termination from the Athletics program.

The Use of Illegal Drugs or Performance Enhancing Substances

Student-athletes enrolled at the college may not purchase, possess, distribute, manufacture or sell any prohibited substance or illegal drug, any prescription medication without an authorized physician's approval or any substance belonging to any of the classes of banned substances published by the NCAA, and updated periodically. The classes of banned substances include, but are not limited to: stimulants, anabolic steroids, diuretics (masking agents), street drugs (e.g., heroin, cocaine, etc.) and peptide hormones and analogues (e.g., human growth hormones and erythropoietin (EPO)). The college may test for any substance contained on the NCAA list of banned substances, including unlisted compounds that are related to specific drugs listed by the NCAA (i.e., substances that are included in a class of drugs by their pharmacological action and/or chemical structure).

The student-athlete is responsible for everything that goes into his or her body; students use any drug and nutritional or dietary supplements at their own risk. A dietary supplement is a product that contains one or more of the following dietary ingredients: vitamins, mineral, amino acids, herbs or other botanicals, and other metabolites. Many dietary supplements or ergogenic aids contain banned substances. Often the labels of dietary supplements are not accurate and are misleading. Terms such as "healthy" and "all natural" do not ensure that supplements are free of banned substances. All participants should keep the Sports Medicine staff and/or team physician aware of all over-the-counter or prescribed drugs that they may be taking, including nutritional/dietary supplements. Furthermore, all

participants must consult with the Sports Medicine staff and/or team physician before using any dietary or performance enhancing supplement. A participant found to have possessed an illegal or banned substance will be subject to sanctions determined by the Director of Athletics in consultation with the Head Coach and the Vice President for Student Affairs and, depending on the violation, may be referred directly to the Office of the Vice President for Student Affairs and Dean of Students.

Selling and/or Distributing an Illegal or Banned Substance

Whereas the use of a banned substance has the potential to lead a user to self-destruction, selling and/or distributing an illegal or banned substance has the potential to harm others, as well as the offender. Consequently, Bates Athletics, in its sole and absolute discretion, reserves the right to deal appropriately with any participant who is found to have sold and/or distributed or intended to sell and/or distribute a banned substance, including marijuana. A participant found guilty by Bates College or any state or federal entity to have sold or distributed a banned substance will be subject to immediate dismissal from the athletics program.

Self-Referral

Any participant who has a drug or alcohol problem is encouraged to seek help before a breach of this policy occurs and punitive action is taken by the Department of Athletics. Any self-referral will be strictly confidential and no team or administrative sanctions will be imposed upon the student– athlete who has made a personal decision to seek professional assistance. However, student–athletes may be referred to appropriate counseling services and withheld from athletic participation until the Director of Athletics determines that such student- athletes are physically and mentally fit to resume their participation.

Tobacco

Participants are reminded that pursuant to NCAA Bylaw 11.1.7, the use of tobacco products is prohibited by all game personnel (e.g., athletes, coaches, trainers, managers and game officials) in all sports during practice and competition. A student–athlete who violates this tobacco policy will be subject to the same sanctions as detailed under the Alcohol and Marijuana section.

Medical Amnesty Policy for Student Intoxication

In situations where a student has contacted Security or Bates EMS for medical treatment either for themselves or for a fellow student, neither the student calling nor the student receiving medical attention will receive a violation through the student conduct system. Students transported to the hospital in association with the consumption of alcohol or marijuana will have a conversation with the College’s alcohol, tobacco and other drug counselor, and a letter will be sent home to their parents. If a student is transported to the hospital more than once, college staff will explore whether a medical leave of absence is appropriate.

Situations involving a transport to the hospital as a result of illegal drugs other than marijuana or involving other violations (such as assault, disorderly conduct, etc.) fall outside the scope of the medical amnesty policy and may be handled through the student conduct system.

Enforcement

The primary departments that enforce policies and laws regarding alcohol and other drug use are Bates College Security and Campus Safety, the Office of Student Support and Community Services, and the Lewiston Police Department. The following data represents individuals sanction for incidents involving alcohol:

	On Campus	Residential Hall	Non-Campus	Public Property
2016	312	280	0	14
2017	155	141	0	5
2018	107	82	0	1

The following data represent individuals sanction for incidents involving drugs:

	On Campus	Residential Hall	Non-Campus	Public Property
2016	107	104	0	0
2017	3	3	0	0
2018	3	3	0	0

The staff in the Office of Student Support and Community Standards review incident reports submitted from Security and Campus Safety and determines if there has been a violation of the Code of Student Conduct as outlined in the Code of Student Conduct. A student who is found to be in violation of the Student Conduct Code may be subject to sanctions.

To address alcohol and marijuana use and abuse in a clear and consistent manner, we have adopted a policy that acknowledges the inherent risk or health implications, including risk of dependency, of certain behaviors to both individuals and the community. For example, we have a hard alcohol ban because the abuse of hard alcohol often leads to extreme intoxication, resulting in transports to the hospital for alcohol poisoning, injury to self and others, and in the most extreme cases, alcohol-related death. Similarly, it is considered more serious when an alcohol or marijuana violation is combined with another violation (such as disorderly conduct, a fire safety violation, dorm damage, or not complying with the directions of an employee of the college). These more serious violations are considered Level II Violations.

Incidents involving operating a vehicle under the influence of alcohol, the distribution of marijuana, or involving illegal drugs other than marijuana typically result in a referral to the Student Conduct Committee. These referrals to the Student Conduct Committee typically result in suspension or expulsion and may include police involvement.

Keeping in mind a holistic perspective of student development, we know that patterns of behavior may be indicative of more serious issues. For this reason, policy violations remain with students throughout their tenure at Bates College. For incidents where other violations are involved or where the conduct is particularly egregious, sanctions in addition to the ones listed below may be required. Such incidents

may also be referred to the Student Conduct Committee where sanctions of suspension and expulsion are considered.

Incidents not involving alcohol or other drugs are not considered part of this policy, but they may be considered when determining the outcome of alcohol and other drug violations. Similarly, alcohol and other drug violations may be considered when determining the outcome of cases not involving alcohol or other drugs.

Marijuana remains illegal under federal law and there remains evidence that the use and abuse of marijuana can impact one's health. As such, even though marijuana possession and use have been legalized in the state of Maine, the use, possession, and distribution of marijuana on campus remain prohibited except for those with a medical written certification that is valid in the state of Maine. For those with a valid written certification, all other campus policies (such as the prohibition on smoking in residence halls) still apply. If medical marijuana is used in a manner that violates other campus policies, the marijuana and paraphernalia may be subject to confiscation and the student may be subject to a conduct violation.

Level I Violation

- Possession or consumption of non-hard alcohol (beer or wine) by an individual under the age of 21
- Possession or use of marijuana
- Level I Violations typically result in a warning letter sent to the student involved. Accumulation of three Level I Violations will result in a Level II Violation.

Level II Violations

- Possession or consumption of hard alcohol or any beverage containing hard alcohol by any student on the premises of the College, at any college-sponsored event, or while the student is engaged in a college-related activity
- Possession or use of a keg by any student on the premises of the College except at registered events or parties where the appropriate measures are in place to prevent underage consumption of alcohol
- Use of a fake ID to purchase alcohol
- Furnishing alcohol to an individual or individuals under the age of 21
- Underage possession or consumption of alcohol combined with an additional violation such as disorderly conduct, damage to college property, or not complying with the directions of a college official
- Possession or use of marijuana combined with an additional violation such as a fire safety violation (ie. smoking in a residence hall or covering a smoke detector) or not complying with the directions of a college official
- Accumulating three Level I Violations

First Level II Violation

A first Level II Violation will result in a meeting with a member of the Student Affairs staff. A warning will be issued, and a written copy of the warning will be sent to the student. A copy will also be placed in the individual student's file. If needed, the student may be referred to Counseling and Psychological Services for additional support related to the violation.

Second Level II Violation

A second Level II Violation will result in a meeting with a member of the Student Affairs staff. The student will be required to complete an alcohol and other drug intervention program. Additionally, a reflection paper may be required. If needed, the student may be referred to Counseling and Psychological Services for additional support related to the violation. An outcome letter will be sent to the student, a copy will be placed in the student's file, and a copy will be sent home to the student's parent(s)/guardian(s).

At the meeting with the staff member, the student will be notified that an additional Level II Violation will result in a referral to the Student Conduct Committee where a one semester suspension is the likely outcome.

Third Level II Violation

A third Level II Violation will result in a referral to the Student Conduct Committee for adjudication where the likely outcome will be a one semester suspension from Bates College.

Intervention

Bates College has several options available to students and staff members who need to address alcohol and other drug abuse issues.

Peer Health Education Program

Throughout the academic year, health education programming around wellness related topics, including alcohol and drugs, is offered to the campus community via the Peer Health Education Program. Supervised and trained by professional staff in the Office of Residence Life and Health Education, Peer Health Educators (PHEs) offer a variety of programs tailored to relevant community health concerns. Recent areas of focus include marijuana use, use of JUULs/other forms of electronic nicotine delivery, and binge drinking. PHEs receive training in evidence based public health strategies and incorporate best practices in assessment and content delivery into their work.

HealthyBates 101 & 102

Every first year student at Bates is required to complete an online alcohol education program prior to arriving on campus. Grounded in the evidence based substance abuse interventions of motivational interviewing (MI), this custom program facilitates goal setting around social choices inclusive of alcohol use. In combination with goal setting, students complete an education module that provides key information required to make safe choices around alcohol use. The introductory module for the course is completed prior to student's arrival on campus in August. During the second semester, first year

students revisit the program through review of informational content and goals. The process allows students to re-evaluate goals and choices to remain connected to the values they brought to college. The program also provides referral information to on campus resources when indicated. Combining factual information on alcohol with evidence based intervention strategies, students receive broad based education in alcohol use.

First Year Alcohol Check In Series

During the first eight weeks of the semester, health education staff and PHEs work with residence life staff to facilitate interactive programs around alcohol use on campus within first year housing. These programs revisit alcohol information from the content sections of the Healthy Bates program series to highlight important information to support binge drinking reduction initiatives. The programs use interactive games to provide engaging content and support behavior change around important topics.

Alcohol Education Infusion Programming

Throughout health education topical programming, alcohol education is infused in the curriculum. Recognizing alcohol use as a central public health issue for college students, providing educational opportunities that incorporate substance use reduction themes is essential to all types of programming. In programming around sleep, nutrition, stress management, and sexuality, facilitators incorporate relevant and topical information about important considerations for alcohol use. Central to these conversations are referrals to appropriate community resources.

Employee Assistance Program (EAP)

All employees of Bates College, regardless of their benefit status, are eligible to use the services of the EAP program. Bates College cares about the health and well-being of its employees and recognizes that a variety of problems can disrupt their personal and work lives. Through the Employee Assistance Program (EAP), Bates College provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is also available to employees' immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard the employee's privacy and rights. Information given to the EAP counselor may be released only if allowed by the employee in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available and will try to coordinate services with the Bates College health plan. The counselor will let employees know whether any costs associated

with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if ignored. No issue is too small or too large, and a professional counselor is available to help when needed. Call 1-877-259-3785 to contact an EAP counselor.

Health Education Counseling

The Office of Residence Life and Health Education provides an Alcohol Tobacco and Other Drug Counselor (ATOD) for students who are referred for alcohol and other drug treatment through the disciplinary process.

Counseling & Psychological Services (CAPS)

Personal counseling and psychological services are available for students at Counseling & Psychological Services (CAPS) and, by referral, elsewhere.

Services include consultation, assessment, counseling, psychiatric evaluation and/or therapy. There is no charge for appointments with on-campus counselors, psychologists, or psychiatric providers. Typically, services are offered on an appointment basis. However, emergencies requiring immediate attention can exist for our students and our same day crisis services are designed to assist these students. Every effort will be made to see students with urgent concerns as soon as possible. For after hours needs, Bates contracts with ProtoCall, a specialty telephonic behavioral health services provider.