

Drug-Free Workplace and School Program for Santa Clara University Faculty/Staff/Students

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I. BACKGROUND AND PURPOSE

Santa Clara University is committed to protecting the safety, health and well being of all faculty, staff and students as well as other individuals in the University community. The University recognizes that alcohol abuse and drug use poses a significant threat to our community and our mission as a University. In accordance with the requirements of the Drug-Free Workplace Act of 1988, the Drug-Free Workplace Act of 1990 (California), and the Drug-Free Schools and Communities Act Amendments of 1989, the University has established the following program and distributes information related to this program on an annual basis to all faculty, staff and students.

II. PROGRAM

It is the goal of Santa Clara University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on the Santa Clara University campus, in the workplace, or as part of any of the University's activities. This includes the unlawful use of controlled substances or alcohol in the workplace even if it does not result in impaired job performance or in unacceptable conduct.

The unlawful presence of any controlled substance or alcohol in the workplace and campus itself is prohibited. The workplace and campus are presumed to include all Santa Clara premises where the activities of the University are conducted.

Violations will result in disciplinary action, up to and including termination of employment for faculty and staff, or expulsion of students. Disciplinary processes outlined in the Faculty Handbook, Staff Policy Manual and Student Handbook, will be followed as appropriate. A disciplinary action may also include the completion of an appropriate rehabilitation program. Violations may also be referred to the appropriate law enforcement authorities for prosecution.

The program information contained here is distributed on an annual basis to all faculty, staff and students. New staff employees are given a copy in New Employee Orientation. New faculty employees are given a copy at New Faculty Orientation. The program is reviewed at least biennially by the Office of Student Life, the Provost's Office, the Sponsored Projects Office, the Affirmative Action Office, the Financial Aid Office and the Department of Human Resources.

III. STANDARDS OF CONDUCT AND DISCIPLINARY SANCTIONS

A. APPLICABILITY TO FACULTY/STAFF AND CONSEQUENCES FOR VIOLATIONS

As a condition of employment, all Santa Clara faculty and staff, including temporary, fixed-term, and student employees, must abide by this program and University Staff Manual Policy 703. This program recognizes that employee involvement with alcohol and other drugs can be very

disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.

Employees who unlawfully manufacture, distribute, dispense, possess or use controlled substances or unlawfully use, possess, or distribute alcohol in the workplace, on the campus, or as part of any University activity will be subject to disciplinary action up to and including termination from employment. In addition to corrective or disciplinary action, the University may also require the employee to participate in and satisfactorily complete an approved drug-abuse assistance or treatment program.

An employee who is convicted or pleads *nolo contendere* (no contest plea) of a criminal drug statute violation occurring in the workplace must notify Santa Clara University within five (5) days of such conviction by informing the Provost's Office and the Department of Human Resources. In accordance with state and federal law, the University will notify federal contracting agencies of such convictions where appropriate. Failure to notify the University of a conviction may result in disciplinary action, up to and including termination.

Employees and supervisors have a shared responsibility for adhering to and effectively implementing and enforcing the above-referenced standards of conduct. Supervisors must be alert to indications or evidence of the unlawful use or presence of controlled substances or alcohol in the workplace and are expected to reinforce this program with their employees. If a faculty, staff, or student employee is suspected of violating this program, the supervisor should consult with the Provost's Office or the Department of Human Resources, as appropriate, regarding the appropriate next steps.

In addition, employees who perform work under a federal or state grant are required to abide by this program. Please contact the Sponsored Projects Office with any questions regarding this requirement.

B. APPLICABILITY TO STUDENTS AND CONSEQUENCES FOR VIOLATIONS

The Student Conduct Code prohibits the illegal use, possession, or distribution of drugs and the use or possession of equipment, products, or material that is used or intended for use in manufacturing, growing, using, or distribution of any drug or controlled substance. The Student Conduct Code also prohibits possession, consumption, sale, or action under the influence of alcoholic beverages by persons under the age of 21; furnishing alcoholic beverages to persons under the age of 21; consumption of alcoholic beverages in a public place (all areas other than individual residences, private offices, and scheduled private functions); excessive and inappropriate use of alcoholic beverages.

Students who violate the above sections of the Student Conduct Code in the workplace, on the campus, or as part of any University activity may be subject to sanctions in accordance with the following guidelines. These guidelines are a minimum standard. Accordingly, a hearing officer can choose to administer a more severe sanction if it is determined there is reason to escalate the

sanction due to the severity of the violation, or if the student has a previous judicial record that does not include alcohol or other drug offenses. For instance, housing contract cancellation can be assigned on the first or second offense if the violation is coupled with physical confrontation, vandalism, or another serious conduct code violation. If deemed necessary, the University reserves the right to mandate alcohol and other drug assessment or treatment through the University judicial process.

The Counseling and Psychological Services, Cowell Health Center, and the Wellness Center are available to students who have concerns about their own alcohol or other drug use. The Counseling and Psychological Services and Cowell Health Center staff can also refer students to outside counseling and treatment agencies.

Cumulative Nature of Student Conduct Code Violations

Sanctioning for a Student Conduct Code violation is based upon the nature of the determined violation and any previous violations of the Student Conduct Code.

If 18 months from the date of the previous alcohol violation passes without the student committing an alcohol or other drug violation, then the sanction for an additional alcohol or other drug violation will be in the same category as the previous offense. For example, a student who commits his/her second alcohol violation in October of his/her freshmen year and then commits a third alcohol violation during May of his/her junior year, the offense will be considered a second offense. It will not be considered a third offense unless the violation is serious enough to warrant such action.

Any student with an alcohol violation prior to the implementation of this program on January 7, 2007 will be considered not to have such a violation on his/her judicial record for the purposes of determining the student's sanction. This exception is not applicable to any student who is currently on housing contract probation, disciplinary probation, deferred suspension, or suspension. The exception is not applicable to other drug violations.

Low-Risk vs. High-Risk Drinking Violations

Regardless of a student's age, the University takes into consideration the degree of risk or actual harm done to the person, other individuals, and property or severity of the violation when considering the appropriate sanction to assign to a student who violated the Student Conduct Code. Students who commit an alcohol violation because they are in the presence of alcohol whereas University policy states they cannot be in the presence and can be reasonably assumed not to be drinking alcohol or under the influence of alcohol are considered to have committed a low-risk violation.

An alcohol violation is considered to be a high-risk violation in the following circumstances, but not limited to: possession or consumption of alcohol when under the legal drinking age, disorderly conduct such as verbally abusive or lewd behavior, excessive consumption of alcohol (i.e. alcohol shots, beer bong, drinking games, etc.), excessive intoxication, medical attention due to the use of alcohol, providing alcohol to a person under the legal drinking age, driving a motor vehicle while under the influence of alcohol, or assaults of any type.

It is up to the discretion of the University Hearing Officer to determine if an alcohol violation is considered a low-risk or high-risk violation.

Minimum Sanctions for Low-Risk Alcohol Violations

- First Violation 1. University Fine: \$50.00
- Second Violation 1. University Fine: \$75.00
 2. Sanctions will be assigned at the discretion of the Hearing Officer and will reflect the fact that this is a second alcohol violation. If appropriate, the violation may be classified as a high-risk violation by the Hearing Officer.
- Third Violation 1. The violation will be classified as a high-risk violation.

Minimum Sanctions for High-Risk Alcohol Violations

- First Violation 1. Educational Sanction: options include, but are not limited to, a paper, community program, contributed work hours¹[1], community service, alcohol education class or program.
 2. University Fine: \$50.00
 3. Parental Notification (for any student under the age of 21)
- Second Violation 1. Educational Sanction: options include, but are not limited to, a paper, community program, contributed work hours, community service, alcohol education class or program. The degree of work and time on the behalf of the student to complete this portion of the sanction will reflect the fact that this is a second alcohol violation.
 2. University Fine: \$75.00
 3. Parental Notification (for any student under the age of 21)
 4. Housing Contract Probation (on campus students)
- Third Violation 1. Housing Contract Cancellation (on campus students)
 2. Disciplinary Probation
 3. University Fine: \$100.00
 4. Parental Notification (for any student under the age of 21)
- Fourth Violation Any subsequent violation will result in either an extension of the student's disciplinary probation period, deferred suspension, suspension, or expulsion depending upon the nature of the incident and the student's overall judicial record.

Kegs and Excessive Amounts of Alcohol

Any student who is in the presence or possession of a keg or an excessive amount of alcohol is subject to housing contract probation, a University fine not to exceed \$500, and parental notification. An excessive amount of alcohol is an amount that is too great to be reasonable or acceptable for individual consumption in the context of the incident report details.

¹[1] Contributed work hours are assigned work through the SCU Facilities Department.

Police Action Related to Alcohol and Other Drug Violations

If a student is cited for serving alcohol to a person under the legal drinking age, taken into protective custody, or arrested by the Santa Clara Police Department or a similar law enforcement agency for an alcohol or other drug related violation, then the minimum sanctions below will be administered.

- | | |
|------------------|--|
| First Violation | <ol style="list-style-type: none">1. Disciplinary Probation2. University Fine: \$100.003. Parental Notification (for any student under the age of 21) |
| Second Violation | Any subsequent violation will result in either an extension of the student's disciplinary probation period, deferred suspension, suspension, or expulsion depending upon the nature of the incident and the student's overall judicial record. |

Minimum Sanctions for Other Drug Violations

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|------------------|--|
| First Violation | <ol style="list-style-type: none">1. Educational Sanction: options include, but are not limited to, a paper, community program, contributed work hours, community service, other drug education class or program.2. University Fine: \$100.003. Housing Contract Probation (on campus students)4. Parental Notification (for any student under the age of 21) |
| Second Violation | <ol style="list-style-type: none">1. Educational Sanction: options include, but are not limited to a paper, community program, contributed work hours, community service, other drug education class or program. The degree of work and time on the behalf of the student to complete this portion of the sanction will reflect the fact that this is a second other drug violation.2. University Fine: \$200.003. Housing Contract Cancellation (on campus students)4. Disciplinary Probation5. Parental Notification (for any student under the age of 21) |

Minimum Sanctions for the Distribution of Other Drugs

If a student is held accountable for distributing a regulated or illegal drug, then the student will be placed on Disciplinary Probation at a minimum. Additionally, if the student lives on campus, his/her on campus housing contract will be cancelled.

**C. APPLICABILITY TO OTHER MEMBERS OF THE UNIVERSITY
COMMUNITY AND CONSEQUENCES FOR VIOLATIONS**

Individuals who are not Santa Clara University employees, but who perform work at Santa Clara for its benefit (e.g., independent contractors, temporary employees provided by agencies, visitors engaged in joint projects at Santa Clara University, and volunteers) are required to comply with this program. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances or unlawfully use, possess, or distribute alcohol in the Santa Clara

University workplace may be barred from working, performing services, of volunteering for or contracting with t Santa Clara University.

IV. GETTING HELP: Drug and Alcohol Programs

A. Faculty or Staff members who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their physicians, health plan, the Employee Assistance Program, (offered through United Behavioral Health), or the Department of Human Resources, which can refer them to appropriate resources (community or private agencies) that provide complete, confidential substance abuse counseling. Many health insurance plans provide coverage for substance abuse programs to address substance abuse and rehabilitation as well.

B. Students are urged to contact the Wellness Center, Counseling and Psychological Services, or Cowell Health Center. The Wellness Center offers **BASICS-- Brief Alcohol Screening and Intervention for College Students**. This program is appropriate for anyone who uses alcohol and/or other drugs, whether someone is concerned about one's drinking or drug use or just curious to learn about how one's use compares to others. BASICS provides a structured opportunity to assess one's risk, identify potential changes, and helps individuals reduce the risk of developing future problems.

C. Other outside sources for Faculty, Staff, and Students

Find a Treatment Center in Your Community (Nationwide)

<http://alcoholism.about.com/cs/pro/a/blpro.htm>

<http://www.alcoholscreening.org/getHelp/search.asp>

Alcoholics Anonymous

(408) 374-8511

274 E. Hamilton Ave.

Campbell, CA

www.aasanjose.org

Al-Anon and Alateen

Information

(408) 379-1051

**for family and friends of alcoholics

www.ncwsa.org/scvafg

Narcotics Anonymous

(408) 998-4200

Greater San Jose Area Service Committee
of Narcotics Anonymous

P.O. Box 59114

San Jose CA 95159

www.sjna.org

****PLEASE NOTE: Santa Clara University does not endorse or collaborate with any of the above programs.**

V. APPENDICES

A. University Alcoholic Beverage Policy

The Alcoholic Beverage Policy of Santa Clara University is based on the central and fundamental educational focus of the University to create an environment which fosters learning. The University believes in personal responsibility, moral growth and development, awareness of the communal consequences of personal choices, obligation of citizenship, and responsible decision-making. The University strives to build a community that is welcoming, hospitable, fair, inclusive, rooted in mutual understanding and appreciation, and respectful of diverse perspectives, traditions, and practices. Therefore, it is critical that the members of the University community are committed to the physical and emotional health and well being of those who work, study, or congregate at the University. The policy serves as a guide and applies to all members of the campus community including students, parents, staff, faculty, alumni, and guests of the University.

The Alcoholic Beverage Policy is set in the context of the legal requirements governing the sale, consumption, and distribution of alcoholic beverages and in the context of community expectations for not only upholding the laws but also sharing responsibility for the safety and welfare of other members of the community. The University will not tolerate disregard for the law, or behaviors and practices that counter the education of the whole person, compromise rigorous and imaginative scholarship, inhibit moral and spiritual development, and constrain the University's fundamental values. Consequently, the University does not condone underage drinking and considers intoxication, disorderliness, or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of a person's age or on-campus or off-campus status.

To cultivate a campus environment consistent with the stated goals and purposes of an educational institution, the University has adopted the following policies and procedures regarding the use of alcoholic beverages.

- 1.** The service and consumption of alcoholic beverages on the University campus and at University-sponsored events off-campus shall be done in compliance with applicable municipal, state, and federal laws and regulations, and in accordance with University policies and procedures. All persons on the University campus or at any University-sponsored event off-campus where alcoholic beverages are being served or consumed are expected to abide by and respect all such laws, regulations, policies, and procedures. (Copies of applicable laws are available from the Office of Student Life.)
- 2.** Alcoholic beverages at events held on-campus should be supplied and sold only by the University food service or another designated, licensed agent of the University except in situations covered by No. 5 of this policy. No other individual person or private party shall supply or sell alcoholic beverages at on-campus events or hold the license for the sale of alcoholic beverages on-campus.
- 3.** Alcoholic beverages shall not be served or consumed in public areas of the University except at authorized University events. Public areas include all indoor and outdoor spaces on the campus except individual residences and private departmental work areas and offices.

4. Alcoholic beverages shall not be served or consumed at any University-sponsored intercollegiate or club sport athletic event or recreational sports activity.
5. The sponsorship of events by alcoholic beverage companies or distributors is limited to cash donations, donated products (other than those that directly promote or advertise alcoholic beverages) in support of fundraising or other special events as approved by the appropriate vice president, vice provost, or dean; and materials for University educational programs. The use of donated products for events that are held in Benson Memorial Center must also be approved by the University liaison to the food service contractor.
6. Alcoholic beverages may be served at on-campus events sponsored by University-affiliated student organizations whose membership is predominantly 21 years of age or older, provided that University operating funds are not used to purchase the alcohol for the event.
7. The service of alcoholic beverages at all events on campus shall be in accordance with the Office of Student Life's Alcohol Management Plan, which should be submitted and approved by the Vice Provost for Student Life or designee.
8. For student organization-sponsored events off campus that include the service of alcoholic beverages and that require University approval of the contract or agreement with the off-campus facility, an Addendum to Agreement must be signed by the service provider and received by the Vice Provost for Student Life or designee. (Copies of this addendum are available in the Center for Student Leadership.)

Responsible Hosting of Events Where Alcohol Is Served

The event manager for events where alcoholic beverages are served is responsible for implementing the following practices:

1. A University-affiliated student organization must identify an event manager responsible for planning and managing the event. The event manager must be present throughout the entire event and must remain alcohol-free prior to and during the event. The event manager and the manager of the facility or his/her designee will work together to ensure that all University event planning requirements are met.
2. An appropriate crowd management and security plan shall be developed for the event to monitor excessive drinking, control disorderly behavior and as appropriate, implement the *Responsible Guest Policy*.
3. The location used for the event should have controllable points of ingress and egress.
4. Alcoholic beverages should not be the primary focus of an event (i.e., progressive drinking party, kegger, happy hour). Alcoholic beverages shall not be used as an inducement to participate in an event.
5. Promotions for the event shall not portray symbols of alcoholic beverage consumption (e.g., foaming mugs, cans, glasses, or kegs), shall not include any form of abusive consumption (drinking contests or competition), and shall not emphasize frequency or quantity of alcoholic beverage consumption.
6. Promotions for the event should state that "identification will be required".

B. Marijuana Policy

On November 8, 2016, voters in California passed Proposition 64, thereby allowing persons who are 21 and older to possess, transport, and buy up to 28.5 grams of marijuana and use it for recreational purposes. The Bureau of Marijuana Control is the state agency responsible for regulating and licensing marijuana sales.

It continues to be illegal to smoke marijuana in public and at locations where tobacco use is outlawed, such as restaurants, and within 1000 feet of a school, daycare or youth center when children are present. It is also illegal for motorists to smoke marijuana while driving.

Despite the change in state law regarding marijuana, Santa Clara University's policy remains unchanged: use and possession of marijuana on campus or in association with any university-sponsored or affiliated activity or program is prohibited. The policy complies with the federal Drug-Free Schools and Communities Act. Under this federal law, as a condition of receiving federal funds, an institution of higher education such as Santa Clara University 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 on campus and as part of its activities and programs. At the federal level, this law includes any amount of marijuana.

California Proposition 215, passed in 1996, allows for the use of marijuana for medical purposes. Students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on university-owned or controlled property (including, but not limited to, residence halls, academic buildings, athletic facilities, and parking lots), or during a university sanctioned activity, regardless of the location.

Propositions 215 and 64 create a conflict between state and federal laws. When state and federal laws are in conflict, federal law takes precedence. If Santa Clara University does not comply with federal law and regulations on marijuana possession and use on campus and in university programs and activities, it risks losing federal funds for student financial aid, faculty research and other important programs and services. Thus, the Santa Clara University must continue to abide by federal laws and regulations and university policy barring the use and possession of any amount of marijuana on campus or in association with any university-sponsored or affiliated activity or program.

Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.

C. Health Risks

1. Alcohol: Effects

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

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

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Source: *What Works: Schools Without Drugs*, U.S. Dept. of Education (1989)