



California Health Sciences University

Drug and Alcohol Abuse Prevention Program Policy

I. Purpose and Policy Statement

The University is committed to providing a safe, healthy and supportive learning and work environment for students and employees. The Drug-Free Schools and Communities Act of 1989 (“DFSCA”) is a federal law that requires Universities receiving Title IV funds to adopt and implement drug and alcohol abuse prevention programs (“DAAPP”). The purpose of DFSCA is to ensure that students and employees are provided with important information regarding the educational, disciplinary, health and legal consequences of unlawful drug use and alcohol abuse.

The University strives to maintain communities and workplaces free from the unlawful use, possession or distribution of alcohol and controlled substances. The use, possession, manufacture, sale or distribution of unlawful drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited. The University prohibits any violation of state and federal drug laws. Similarly, the use, possession, manufacture, sale or distribution of alcoholic beverages (except as expressly permitted by law and University policy), or public intoxication while on campus or at a University related activity is prohibited. Furthermore, the University prohibits all violations of California state underage drinking laws.

II. University’s Drug and Alcohol Abuse Prevention Programs (DAAPP)

The University’s DAAPP are designed to prevent the unlawful possession, use and distribution of unlawful drugs and alcohol abuse on campus and at University-recognized events and activities. The University takes seriously and understands its obligation to inform students and employees of available resources and support, as well as the educational, disciplinary, health, and legal consequences of abuse of alcohol and unlawful drug use in compliance with relevant federal and state law. The University’s DAAPP are intended to support student and employee health, safety and security by increasing awareness, preventing abuse, and decreasing potential drug and alcohol related crime. Currently, the University offers free annual educational workshops for employees and students regarding unlawful drug use and alcohol abuse prevention and awareness.

III. Statement on Disciplinary Sanctions

Students found to be in violation of University unlawful drug or alcohol related policies as described in this Policy as well as the University’s Student Drug, Alcohol and Tobacco Use Policy and the Student Conduct and Professionalism Policy or violation of local, state or federal laws related to unlawful drugs and/or alcohol, may be subject to disciplinary action, up to and including dismissal, referral for prosecution and any criminal or civil penalties students may face at the local, state or federal level.

Employees found to be in violation of these laws and policies may be subject to disciplinary action,



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up to and including termination, under applicable University policies, including but not limited to: this Policy, the Employee Conduct, Grooming and Attire Policy and the Prohibited Drug and Alcohol Abuse Policy, as well as other contractual agreements between the University and the employee. Additionally, the employee may be referred for prosecution and may also face criminal or civil penalties resulting from violating a local, state and/or federal law for the same conduct.

IV. Annual Notice

Under the DFSCA, the University is required to annually distribute its drug abuse and alcohol prevention program to students and employees. These requirements exist as a condition of receiving funds or any other form of financial assistance under any Federal program. The annual notification includes:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employee on University property or as part of any University activities.
2. A list of applicable legal sanctions under federal, state and local laws for the unlawful possession or distribution of unlawful drugs and alcohol.
3. A description of the health risks associated with the abuse of alcohol or use of unlawful drugs.
4. A list of any drug and alcohol counseling, treatment or rehabilitation or re-entry programs that are available to employees and students.
5. A clear statement that the University will impose disciplinary sanctions on students and employees and a description of those sanctions, up to and including dismissal, termination of employment and referral for prosecution.

V. Health Risks

Improper use of drugs or alcohol can seriously injure the health of employees and students, impair the performance of their responsibilities and endanger the safety and well-being of fellow employees, students and members of the general public.

a. Health Risks of Alcohol Abuse

The Center for Disease Control and Prevention (“CDC”) has stated the following short-term and long-term health risks of alcohol abuse described below.

i. Short-Term Health Risks

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.



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- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant persons.

ii. Long-Term Health Risks

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Weakening of the immune system, increasing the chance of getting sick.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol use disorders, or alcohol dependence.

VI. Health Risks of Unlawful Drug Use

The National Institute on Drug Abuse has stated the following short term and long term effects of drug abuse, described below.

Short-term effects can range from changes in appetite, wakefulness, heart rate, blood pressure, and/or mood to heart attack, stroke, psychosis, overdose, and even death. These health effects may occur after just one use.

Longer-term effects can include heart and lung disease, cancer, mental illness, diseases such as: HIV/AIDS, hepatitis, and others. Long-term drug use can also lead to addiction. Drug addiction is a brain disorder. Not everyone who uses drugs will become addicted, but for some, drug use can change how certain brain circuits work. These brain changes interfere with how people experience normal pleasures in life, their ability to control their stress level, their decision-making, their ability to learn and remember, etc. These changes make it much more difficult for someone to stop taking the drug even when it is having negative effects on their life and they want to quit.

VII. Programs and Resources for Students

The University's Student Drug, Alcohol and Tobacco Use Policy contains resources for students dealing with excessive drinking and/or unlawful drug use.

VIII. Programs and Resources for Employees



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The University contracts with an external provider, Unum, to serve as the Employee Assistance Program (EAP). A complete description of the University's EAP can be obtained from the Office of Human Resources.

IX. California Law

The following summarizes some of the California state laws regarding drugs and alcohol that may be relevant to students and employees:

a. Controlled Substances

- i.** California penalties for offenses involving controlled substances include those set forth in the California Health & Safety Code § 11350: Imprisonment in the county jail or state prison, a fine not to exceed \$70, or probation with fine for felony convictions of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or community service for unlawful possession of controlled substances. (HS § 11350)
- ii.** Under California law, possession of certain controlled substances (Schedule I, II, and III) for sale or purchasing for the purpose of sale are punishable by imprisonment of two, three, or four years. (HS §§ 11054, 11055, 11056 & 11351)
- iii.** Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these substances and occurring upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility. (HS § 11353.1)
- iv.** It is unlawful to possess any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking certain controlled substances. (HS § 11364)
- v.** Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation or acquired in violation of this division. (HS § 11470)
- vi.** The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime. (HS § 11352.1)



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b. Alcohol

- i. It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public. Sanctions range from a fine of \$250-\$500 and community service, depending on whether the offense is a first or subsequent violation. (BP § 25662)
- ii. Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor. Potential sanctions include fines of \$250 or higher, community service, and imprisonment, depending on the facts of the case. (BP § 25658)
- iii. Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor. (PC § 647 (f))
- iv. It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher. (CVC § 23152)
- v. It is a misdemeanor to ride a bicycle upon a highway under the influence of alcohol, drugs or both. (CVC § 21200.5)
- vi. It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle. (CVC § 23223)
- vii. It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area. (CVC § 23225)

c. Driving Under the Influence

- i. First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390 nor more than \$1,000 and except as otherwise provided suspension of privilege to operate motor vehicle. (CVC § 23536)
- ii. Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under the influence: Imprisonment in state prison or in the county jail for not more than one year and a fine of not less than \$390 nor more than \$1,000 and revocation of privilege to operate a motor vehicle. (CVC § 23550.5)
- iii. Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390 nor more than \$1,000 and suspension of privilege to operate a motor vehicle. (CVC § 23554)
- iv. Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements. (CVC § 23558)
- v. Second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years of separate conviction of



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other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of privilege to operate a motor vehicle. (CVC § 23560)

X. Federal Law

- a. Federal law prohibits the illegal possession of a controlled substance. (21 U.S.C. § 844(a))
- b. First offense: prison sentences up to one year and a minimum fine of \$1,000.
- c. Second offense: prison sentences up to two years and a minimum fine of \$2,500.
- d. Third offense: prison sentences up to three years and a minimum fine of \$5,000.
- e. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above

XI. Biennial Program Review

The University will review its DAAPP on a biennial basis to determine the program's effectiveness and implement changes to the program if changes are needed to increase the program's effectiveness. Additionally, on a biennial basis, the University will determine the number of drug and alcohol-related violations and fatalities that occur on campus or a part of any University activities, that are reported to the University. The University will also determine the number and type of sanctions related to drug/alcohol violations and fatalities imposed on students and employees. As part of this review, the University will seek to ensure that sanctions for both employees and students are consistently enforced.

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