

ALCOHOL AND OTHER DRUGS POLICY

POLICY HEADER

Subject: Alcohol and Other Drugs Policy
Number: Administrative 1.5
Date Issued: October 2008 (Draft for Comment)
Effective Date: April 2009 (Interim Policy)
Initiating Entity: Alcohol and Other Drugs Advisory Council (AODAC)
Affected Entities: Campus Community
Responsible Entity: Chair, AOD Advisory Council
Revisions if any: Supersedes AOD Policy adopted January 21, 1998; revised March 5, 1999

POLICY STATEMENT

The unlawful possession, use, production, distribution, or sale of illicit drugs or drug-related paraphernalia, tobacco or alcohol, and the misuse of legal pharmaceutical drugs or alcohol by any faculty, staff, student, or visitor is strictly prohibited in the workplace, on University premises, at University activities, or on University business, on campus or off. Any faculty, staff, student or student organization, visitor or visiting organization who violates this policy is subject to disciplinary action.

DESCRIPTION OF UNIVERSITY POLICY

Purpose

This policy is created to comply with the Drug-Free Workplace and Drug-Free Schools & Communities Act Amendments of 1989 (Public Law 101-226), which requires the University to adopt and implement a program to prevent the unlawful use and/or abuse of drugs or alcohol by faculty, staff and students and to set forth standards to provide a safe, healthy and productive community setting for work and study.

The purpose of this policy is to describe University standards of conduct concerning alcohol and drugs, communicate the health risks and other legal and disciplinary consequences of failing to adhere to University standards of conduct, and provide information as to available assistance and resources.

Philosophy

California State Polytechnic University, Pomona (University or Cal Poly Pomona), as an institution of higher education, seeks to create and nurture a campus community where healthy lifestyle choices are fostered and promoted. The University accepts responsibility for maintaining and advancing a safe and productive educational and work environment free from both the illegal and the harmful use of alcohol and drugs. The University prohibits the illegal use of alcohol or other drugs, takes positive steps to reduce the abuse of alcohol and other drugs, and will not promote or condone their misuse.

Definitions

The term "alcohol" includes: alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, and which contains more than one-half of 1 percent of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances (Business and Professions Code, Section 23004).

The term "illicit drug" includes any dangerous drug, restricted drug, or narcotic as those terms are used in California statutes, and all substances regulated under federal law through the Controlled Substances Act, including but not limited to marijuana, cocaine derivatives, "crack," heroin, amphetamines, barbiturates, LSD, PCP, and substances typically known as "designer drugs" such as "ecstasy."

See Appendix A for more definitions of terms found in this policy.

Standards of Conduct

The unlawful possession, use, production, distribution, or sale of illicit drugs or drug-related paraphernalia, tobacco or alcohol, and the misuse of legal pharmaceutical drugs or alcohol by any faculty, staff, student, or visitor is strictly prohibited in the workplace, on University premises, at University activities, or on University business, on campus or off.

California's Compassionate Use Act conflicts with federal laws governing controlled substances. The California State University, including Cal Poly Pomona, receives federal funding in the form of student financial aid and grants that would be in jeopardy if those federal laws did not take precedent in our policies. Thus, the use and possession of marijuana in any form or amount violates the CSU Student Conduct Code and the California Compassionate Use Act does not apply at the California State University or Cal Poly Pomona.

Authorized Use of Alcohol on Campus

While Cal Poly Pomona and its recognized auxiliary organizations are each separate legal entities, this policy addresses shared legal obligations, guidelines and procedures regarding the use of alcohol in the community served by Cal Poly Pomona, the Cal Poly Pomona Foundation, Inc. and Associated Students, Inc.

The Board of Trustees of the California State University approved the use and sale of beer and wine on campuses in the 1970's and delegated authority to the President to regulate its use in compliance with all applicable provisions of law. The President, pursuant to Title V, California Code of Regulations 41301 issued the following order:

"The possession or consumption of alcoholic beverages on campus by persons under the age of 21 is strictly prohibited. The use of alcoholic beverages by students 21 years of age or older is permitted in student residential areas as designated by the Directors of University and Foundation Housing Services (see Appendix B for University and Foundation Housing Policies). Kegs of alcoholic beverages, regardless of type or size, are prohibited in student residences. Alcoholic beverages may be purchased in designated food service operations, and may only be served at campus events upon the approval of the President or his/her designee."

In 2005, The Board of Trustees of the California State University prohibited sales of alcoholic beverages in conjunction with any athletic events held in university owned or operated facilities (Executive Order 966).

The following campus entities are authorized by the President to serve alcoholic beverages in accordance with all local and state laws and under regulation of the California Department of Alcoholic Beverage Control.

- A. Kellogg West Conference Center in food service facilities and/or meeting rooms.
- B. The Restaurant at Kellogg Ranch.
- C. The Collins College, when associated with academic courses in the wine and spirits program or official College-sponsored events.
- D. Round Table Pizza located in the Bronco Student Center.
- E. The Cal Poly Pomona Foundation, Inc. in specifically approved restaurant operations.
- F. The Cal Poly Pomona Foundation, Inc. on the balance of the campus subject to specified guidelines, see Appendix C.

Alcoholic beverages served by or for faculty, staff or students at informal gatherings or departmental activities other than authorized above are strictly prohibited.

Advertising, Marketing and/or Sponsorship

In 2005, The Board of Trustees of the California State University limited alcohol advertising to beer and wine on CSU campuses. Cal Poly Pomona prohibits sponsorship of any University activity or event by alcohol beverage manufacturers and/or the marketing or advertising of alcoholic beverages on the campus except under the following circumstances.

- A. In authorized food service facilities, in accord with all local and state laws, under regulation of the California Department of Alcoholic Beverage Control, and in compliance with CSU specified guidelines (Executive Order 966), or
- B. In the Collins School, when associated with the wine and spirits program or official College-sponsored events, and in compliance with CSU specified guidelines (EO 966), or
- C. In very limited circumstances, approved by the President or his/her designee, where the University realizes some other substantial benefit, and in compliance with CSU specified guidelines (EO 966).

Advertisements shall **not** feature alcohol as an inducement to participate in any event. No reference shall be made to the amount of alcoholic beverages that will be available. The availability of non-alcoholic beverages must also be advertised.

Responsibilities

Any employee or student found to be in violation of federal, state and/or local law, or who violates the University's standards of conduct is subject to disciplinary action as set forth in the following and/or referral to the appropriate authorities for legal prosecution.

Any campus organization, visitor or visiting organization found to be in violation of federal, state and/or local law, or who violates the University's standards of conduct is subject to disciplinary action as set forth in the following and/or referral to the appropriate authorities for legal prosecution.

See Appendix D for a summary of federal and state laws governing alcoholic beverages and controlled substances.

Disciplinary Sanctions

Individual students found to be in violation of the University's standards of conduct are subject to disciplinary sanctions including: warning, disciplinary probation, loss of privileges and exclusion from activities and/or from areas of the campus, referral to a required alcohol or other drug education program, interim suspension, suspension, or dismissal. See Appendix E for Student Disciplinary Procedures.

Registered Campus Organizations found to be in violation of the University's standards of conduct may be restricted from use of campus services and/or resources to support their organizational activities, and may be placed on probation or suspension.

Faculty, staff, and student employees found to be in violation of the University's standards of conduct are subject to corrective action including: required participation in an approved counseling or treatment program and/or termination. See detailed Human Resources information in Appendix F.

Visitors or visiting organizations found to be in violation of the University's standards of conduct may be excluded from participation in campus events and/or further use of the campus.

“Safety First”

Cal Poly Pomona has adopted the following “safety first” approach to Alcohol and other Drugs Policy enforcement. The goal of “Safety First” is to ensure that students receive prompt medical attention for any health or safety emergency (alcohol or drug intoxication, physical violence, etc.), and to ensure there are no impediments to reporting incidents of sexual harassment, violence or assault. Students who call University Police for emergency assistance or to report any incident of sexual harassment or violence, may receive immunity from disciplinary sanctions if calling for help also reveals violations of the University Alcohol and other Drugs standards of conduct. To qualify for immunity, the individuals must cooperate with authorities responding to the incident/emergency, and may be asked to meet with the Director of Judicial Affairs without formal judicial action being taken against the individuals needing assistance or the persons reporting the incident/emergency. Students who demonstrate a repeated or extreme lack of concern for their well-being and the well-being of the campus community may face sanctions.

Health Risks and Other Consequences

Cal Poly Pomona is committed to educating the campus community regarding the health risks and other consequences associated with alcohol and/or drug use and abuse, and promoting responsible and safe drinking behaviors for those who engage in the lawful consumption of alcohol.

The use of illicit drugs or tobacco, and the illegal use or abuse of alcohol have all been shown to cause serious health consequences, including damage to the heart, lungs, and other organs. Alcohol-related accidents are the number one cause of death among persons under age 25. The most significant long-term health risk, besides death, is addiction. In addition to direct physical consequences, the abuse of alcohol and other drugs has been associated with impaired learning and increased risks of violence, physical injuries, accidents, acquaintance rape, unwanted pregnancy, and sexually transmitted diseases.

For more detailed information on Health Risks see Appendix G.

Resources

The University recognizes alcohol and other drug dependency as treatable conditions and offers educational and counseling assistance and/or referrals to employees and students to aid them in dealing with problems associated with substance abuse.

All faculty, staff and students are encouraged to be proactive in their responses to perceived alcohol abuse or drug dependency by initiating discussions that address the consequences related to health and well-being and the Cal Poly Pomona Alcohol and other Drugs Policy. In situations where a member of the campus community is uncomfortable approaching an individual perceived to have a problem with alcohol/drug abuse, the Human Resources Office, Judicial Affairs or Public Safety are viable alternatives to contact.

For students, Counseling and Psychological Services and Student Health Services are campus resources for treatment of alcohol/drug related problems, as well as for advice in assisting students with related issues.

For faculty and staff, the Employee Assistance Program is a campus resource that can provide appropriate referrals for assistance with drug or alcohol related problems. Benefits eligible employees may have coverage in their medical benefits package for counseling and the treatment of alcohol/drug related problems. The Human Resources EAP web site contains referrals to resources.

Auxiliary employees and volunteers should check with the Human Resources Representative in their respective auxiliary.

Student Health Services
Building 46
(909) 869-4000
www.dsa.csupomona.edu/shs/

Counseling and Psychological Services
Building 66, Room 116 (Bookstore Building)
(909) 869-3220
www.dsa.csupomona.edu/caps/

Employee Assistance Program (EAP)
Hotline (909) 869-4551
<http://www.csupomona.edu/~hr/er/eap.shtml>

AFFECTED AND RESPONSIBLE ENTITIES

All University and recognized auxiliary employees, students, campus organizations, visitors or visiting organizations must comply with this policy. The University's Alcohol and Other Drugs Advisory Council is responsible for implementation of this policy and for working with appropriate education, intervention and enforcement entities throughout the campus community, such as Counseling and Psychological Services, Student Health Services, University and Foundation Housing, Foundation Dining, Kellogg West, Human Resources, Judicial Affairs and the University Police.

CONSEQUENCES OF NON-COMPLIANCE

Individual students found to be in violation of the University's standards of conduct are subject to disciplinary sanctions including: warning, disciplinary probation, loss of privileges and exclusion from activities and/or from areas of the campus, referral to a required alcohol or other drug education program, interim suspension, suspension, or dismissal. See Appendix E for Student Disciplinary Procedures.

Faculty, staff, and student employees found to be in violation of the University's standards of conduct are subject to corrective action including: required participation in an approved counseling or treatment program and/or termination. See detailed Human Resources information in Appendix F.

Registered Campus Organizations found to be in violation of the University's standards of conduct may be restricted from use of campus services and/or resources to support their organizational activities, and may be placed on probation or suspension. Visitors or visiting organizations found to be in violation of the University's standards of conduct may be excluded from participation in campus events and/or further use of the campus.

CONSULTED ENTITIES AND TIME PERIODS

The AODAC is comprised of administrative, faculty, staff and student representatives from across the University, the Cal Poly Pomona Foundation, and ASI. This policy revision was drafted by a subcommittee of the AODAC in 2006, approved by the AODAC in 2007, reviewed by University Counsel in October 2007, by Human Resources in January 2008, by the Student Affairs Cabinet in August 2008, by Faculty Affairs in September 2008, and by the President's Cabinet and College Deans in October 2008. The revised policy was posted via Blackboard for a 30-day campus-wide review and comment period in November/December 2008, and resulting feedback was reviewed and incorporated in early January 2009.

APPENDIX A

DEFINITIONS OF TERMS

Auxiliary: An entity that meets the definition provided for in the Education Code (California Code of Regulations, Title 5, Article 1, Section 42400), and meets the specific criteria and requirements as set forth by the CSU Board of Trustees. At Cal Poly Pomona, the recognized auxiliaries are the Cal Poly Pomona Foundation Inc. (Foundation), and the Associated Students Incorporated (ASI).

Employee: Shall include Cal Poly Pomona faculty, administrators, professional, support staff, student employees, volunteers and employees of its recognized auxiliaries (ASI or Foundation).

Workplace: Any property owned, controlled, leased from or by California State Polytechnic University, Pomona as a site for the performance of work by employees of Cal Poly Pomona or its recognized auxiliaries (ASI or Foundation) or any meeting place deemed to be the location for official business of the University.

Conviction: The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of Federal or State criminal statutes.

Student: The term "student" means any person currently enrolled at the university, both full-time and part-time, including summer session, special session and extended education, as well as any person who remains on campus or in residence who was enrolled in the immediate previous quarter and will be enrolled in the immediate next quarter.

Substances: The term "substances" includes both illegal and legal substances:

1. Illegal Substances--Controlled substances means those substances as listed in schedules I through V of the Federal Controlled Substances Act (21 U.S.C.812) and further defined by regulations (21 CFR 1308), which are obtained illegally.
2. Legal substances are:
 - a. Alcoholic beverages, for persons age 21 or older.
 - b. Controlled substances as listed in the Federal Controlled Substances Act, which are prescribed or administered by a licensed physician or health-care professional.
 - c. Over the counter drugs/products.

APPENDIX B

UNIVERSITY AND FOUNDATION HOUSING SERVICE POLICIES

Alcohol

1. Misuse of alcoholic beverages and/or inappropriate or illegal behavior will result in disciplinary action and/or arrest by the police.
2. All Licensees and their guests are subject to the following statement from the Alcohol Beverage Control Act: *"Every person who sells, furnishes, gives or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor"* (California Business and Professions Code section 25658).
3. Possession of an open container or empty alcohol container(s) (i.e. cups, cans, bottles, cases/boxes, etc.) shall be interpreted as consumption of alcohol.
4. Consumption, possession, or storage of alcoholic beverages by any Licensee under the age of 21, or in any unit where a Licensee is under the age of 21, is prohibited.
5. If all Licensees of a unit are 21 years of age or older, the Licensee(s) may choose to responsibly consume alcohol only in the privacy of their own unit with the door closed. Consumption of alcohol in the presence of others under the age of 21 is prohibited.
6. Possession of bulk alcoholic beverages – defined as amounts for Licensee storage or use that is excessive for responsible personal use – are prohibited. "Personal use" allows for a Licensee (at least 21 years of age) to have in possession of one of the following: one 12-pack of beer, one bottle of wine, or 750 ml of hard liquor. Possession/use of any empty or full keg, party ball, or other mass drinking device (e.g., beer bong) is prohibited.
7. Possession or consumption of alcohol in a public place (including but not limited to outside or indoor stairwells, outside balconies/patios/porches, hallways, lounges, swimming pool, basketball courts, grounds and or any other common areas) is prohibited.
8. Detectable intoxication by Licensees or their guests within the residences or grounds is prohibited.
9. Brewing alcohol is strictly prohibited for all residents, regardless of age.
10. Violation of other university policies and procedures while under the influence of alcohol is a violation.
11. Inability to exercise care for one's own safety and/or the safety of others due to intoxication is a violation.

Controlled Substances (Drugs)

1. Sale of, use of, being under the influence of, distribution of, storage of, and/or knowingly possessing illegal drugs, controlled substances, or narcotics is prohibited. The misuse of any drug, including prescription or over-the-counter medications, is prohibited.
2. The use or possession of marijuana in any form for medicinal use is prohibited. The California Compassionate Use Act does not apply to administrative cases involving use and possession of marijuana that violate CSU Student Conduct Code or the Housing License Agreement.
3. Possession or use of drug paraphernalia is also prohibited. Drug paraphernalia includes, but is not limited to, "bongs," pipes, hookahs, and/or other devices that may be used to facilitate consumption of illegal drugs.
4. Violation(s) of other university policies while under the influence of controlled substances is a violation.
5. The inability to exercise care for one's own safety and/or the safety of others while under the influence of controlled substances is a violation.

APPENDIX C

GUIDELINES FOR AUTHORIZED USE OF ALCOHOL ON CAMPUS

The lawful sale or service of alcoholic beverages on campus must adhere to the following guidelines:

1. The consumption of alcoholic beverages is not permitted on campus unless associated with a regular campus organization, club or approved campus event.
2. All persons or groups requesting to serve alcohol at an on-campus event must submit a written request for authorization with an appropriate facility lease application.
3. Decisions for authorization to use alcoholic beverages will be made by the President or his/her designee, unless otherwise stated in this policy, and based upon the request submitted with the appropriate lease application.
4. Consumption of alcohol is permitted only within the established and approved area designated for the event.
5. Properly marketed and displayed non-alcoholic beverages must be available at the same place as the alcoholic beverages and must be featured as prominently as the alcoholic beverage.
6. Food must be provided when alcohol is being served. A minimum of 30% of the event's budget shall be assigned to the purchase of food items.
7. No event shall include any form of "drinking contest" or use of bulk quantities (e.g., kegs, party balls). The service of shooters or doubles is prohibited at any campus event.
8. The lawful sale or service of alcoholic beverages will be conducted solely by employees of the Cal Poly Pomona Foundation, Inc.
9. A one-day Caterer's Permit from the Department of Alcoholic Beverage Control (ABC) for the event is obtained by the Cal Poly Pomona Foundation, Inc. Any and all fees for this permit are the responsibility of the sponsoring organization for the event.
10. If an off campus caterer is used, they must provide proof of an Off-Premise License or one-day caterer's permit from the Department of Alcoholic Beverage Control (ABC), as well as proof of liability insurance, with \$2,000,000 minimum coverage, and the University and other involved entities (i.e., Kellogg House) named as co-insured for the day(s) of the event. A copy of the insurance coverage for the event and the proper ABC license must be posted at the location of the event.
11. An event where alcohol is being served with over 100 people in attendance must have security provided by Police and Parking Services. Security may be required at events smaller than 100 people at the discretion of the Chief of Police or his/her designee.
12. Failure to abide by University Policy and the above mentioned guidelines may result in immediate termination of the event, disciplinary proceedings and/or criminal prosecution, and restriction from future use of campus facilities.

APPENDIX D

The following is not a comprehensive list and summarizes only a few laws that govern alcoholic beverages and controlled substances. Laws may change over time and individuals are expected to be aware of current federal, state, and local laws.

FEDERAL LAWS GOVERNING CONTROLLED SUBSTANCES

(See United States Code 21, Sections 811, 844, 853, 881)

- A. The unlawful possession, use, manufacture, sale, or distribution of alcohol or all scheduled (illicit) drugs may lead to prosecution, and depending on the nature of the offense, may be categorized as a misdemeanor or felony and may be punished by fine and/or imprisonment.
- B. Examples of illicit drugs include narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g. PCP.
- C. First offense penalties for the illegal possession of a controlled substance range from up to 1 year in prison and a fine of at least \$1,000 but not more than \$250,000, or both. Second and subsequent convictions can include increased imprisonment and fines.
- D. Depending on the amount, first offense maximum penalties for trafficking marijuana range from 5 years in prison and a fine of \$250,000 to life imprisonment and a fine of \$4 million.
- E. Depending on the amount, first offense maximum penalties for trafficking class I and II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, etc.) range from 5 years to life imprisonment and fines from \$2 to \$4 million.
- F. Property including vehicles, vessels, aircraft, money, securities, or other things of value which are used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States.
- G. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all federal programs including student grants and loans, except some long term drug treatment programs.
- H. The federal Drug-Free Workplace Act of 1988 (41 U.S.C. 701) requires that University employees directly engaged in the performance of work on a Federal contract or grant shall abide by this Policy as a condition of employment and shall notify the Principal Investigator and/or the Chair of the sponsoring department or unit within five days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. In turn, the Principal Investigator or Chair shall notify the appropriate Office of Research Contracts and Grants Officer. That Officer is then obligated to notify the Federal contracting or granting agency within ten days of receiving notice of such conviction, and to take appropriate corrective action or require the employee to participate satisfactorily in an approved drug abuse assistance rehabilitation program.

APPENDIX D (continued)

CALIFORNIA LAW GOVERNING CONTROLLED SUBSTANCES

California law regarding controlled substances is, in many respects, similar to federal law. Violations can result in imprisonment, fine, or both.

CALIFORNIA LAW GOVERNING MARIJUANA

Possession of not more than 28.5 grams (1 ounce) of marijuana is a misdemeanor, which is punishable by a fine of not more than \$100.00. Possession of more than 28.5 grams of marijuana shall be punished by imprisonment in the county jail for a period no more than six months or by a fine of not more than \$500.00, or by both. The cultivation, the possession for sale, or the sale of marijuana constitutes a felony. A felony conviction can involve serving time in a state prison. (California Health and Safety Code sections 11357-11362.9)

The California Compassionate Use Act of 1996 removed state-level criminal penalties for the use, possession, and cultivation of marijuana for personal medical purposes approved by a physician for qualified patients and/or their primary caregivers. (California Health and Safety Code section 11362.5) California's Compassionate Use Act conflicts with federal laws governing controlled substances. The California State University, including Cal Poly Pomona, receives federal funding in the form of student financial aid and grants that would be in jeopardy if those federal laws did not take precedent in our policies. Thus, the use and possession of marijuana in any form or amount violates the CSU Student Conduct Code and the California Compassionate Use Act does not apply at the California State University or Cal Poly Pomona.

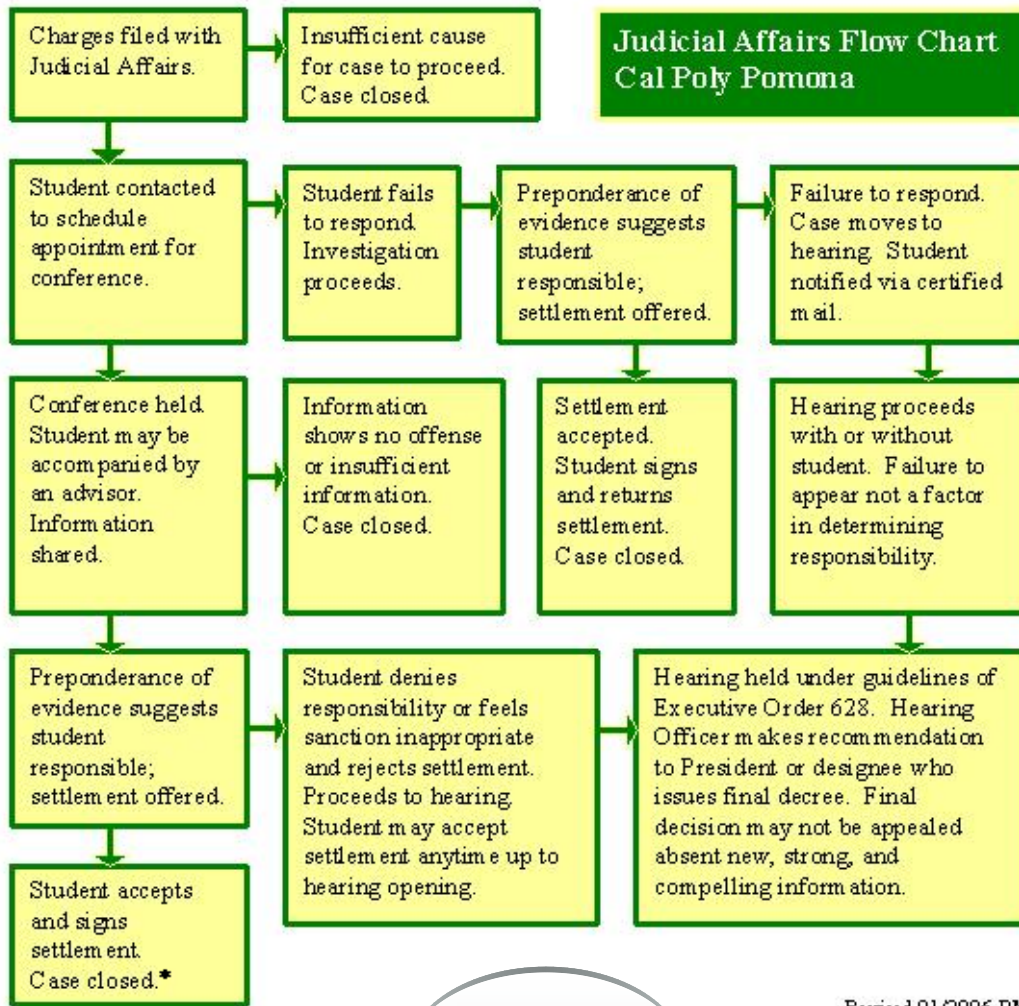
CALIFORNIA LAW GOVERNING ALCOHOLIC BEVERAGES

- A. No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages (California Business and Professions Code section 25658).
- B. It is unlawful for any person under the age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view (California Business and Professions Code section 25662).
- C. It is a misdemeanor to sell, furnish, or give away an alcoholic beverage to any person under the age of 21 (California Business and Professions Code 25658) or to any one obviously intoxicated (California Business and Professions Code section 25602).
- D. It is unlawful for any person to drink while driving, or to have an open container of an alcoholic beverage in a moving vehicle. With a blood alcohol level of .08 or higher, a driver is presumed under the influence of alcohol. Between .04% and .08% a person may be found guilty of driving under the influence (California Vehicle Code section 23152).
- E. It is unlawful for any person under the age of 21, who has 0.05 percent or more by weight of alcohol in his or her blood, to drive a vehicle (California Vehicle Code section 23140).

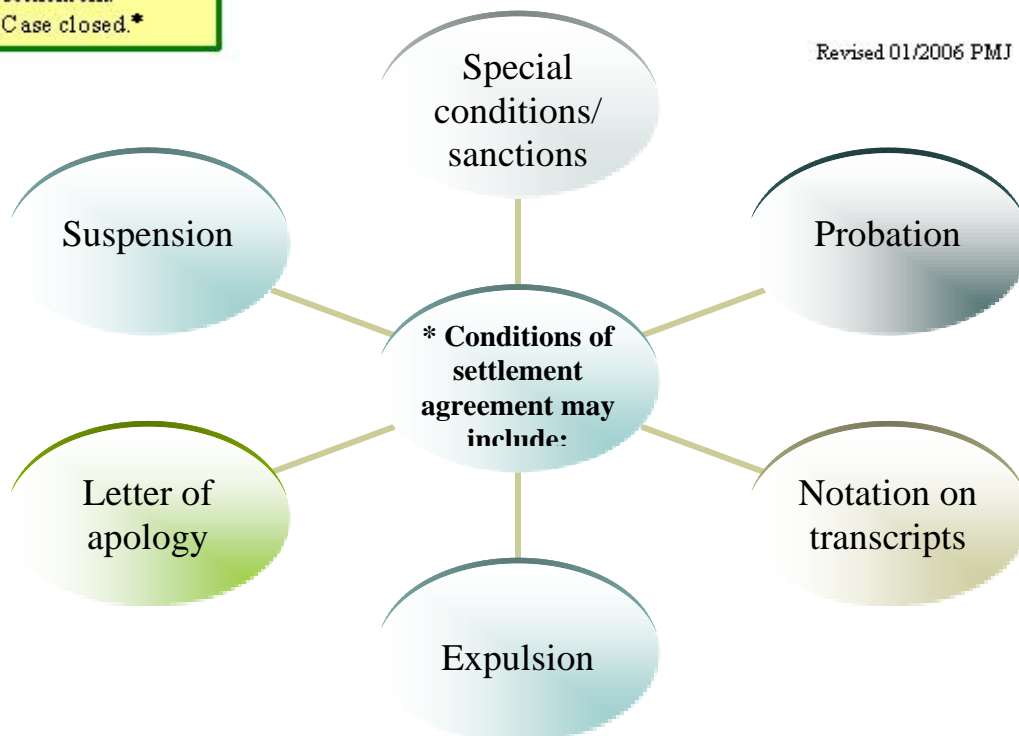
OTHER CALIFORNIA LAWS

Every person who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance or any combination of any of the above and is in such a condition that he/she is unable to exercise care for his/her own safety or the safety of others is guilty of a misdemeanor (California Penal Code section 647(f)).

STUDENT DISCIPLINARY PROCEDURES



Revised 01/2006 PMJ



APPENDIX E (continued)

HEALTH AND SAFETY EMERGENCY SITUATIONS

Generally, the University may not disclose student education records and personal information, including but not limited to, disciplinary violations and/or proceedings, without the student's consent under the California Information Practices Act (IPA) (California Civil Code § 1798 et seq.) and the Family Educational Rights and Privacy Act (FERPA) (34 CFR § 99 et seq.). Notwithstanding, the University may disclose a student's education records and personal information to appropriate parties, without the student's consent, if the University determines that compelling circumstances exist, which affect the health or safety of the student to whom the information pertains and/or other individuals, and provided that, upon the disclosure, notification is transmitted to the student to whom the information pertains at his or her last known address.

The Director of Judicial Affairs, or designee, may notify the emergency contact person listed in the student's education records in circumstances involving alcohol and/or other drugs deemed by the University to pose a danger to the health or safety of a student and/or other individuals in the campus community. All possible circumstances that would meet the health and safety exception cannot be listed, but examples would include, but are not limited to:

1. The student was required to be transported to a medical facility because of alcohol or other drug use.
2. The student has caused harm to him/herself or another while under the influence of alcohol or other drugs.
3. The student has shown a pattern of behavior or violations that indicate a severe physical or emotional problem with alcohol or other drugs.

APPENDIX F

HUMAN RESOURCES INFORMATION

Assistance for Employees

- A. When an employee has drug or alcohol related issues or concerns, s/he is encouraged to seek assistance. S/he may request a leave of absence to attend counseling, treatment or employee support programs outside of regular work hours, in addition to using approved vacation or sick leave for this purpose.
- B. For faculty and staff, the Employee Assistance Program is a campus resource that can provide appropriate referrals for assistance with drug or alcohol related problems. Benefits eligible employees may have coverage in their medical benefits package for counseling and the treatment of alcohol/drug related problems. Auxiliary employees and volunteers should check with the Human Resources Representative in their respective auxiliary. The Human Resources EAP web site contains referrals to resources.
- C. For student employees, Counseling and Psychological Services and Student Health Services are campus resources for treatment of alcohol/drug related problems, as well as for advice in assisting students with related issues.

Identification, Referral and Reporting of Abuse

- A. All faculty, staff and students are encouraged to be proactive in their responses to perceived alcohol abuse or drug dependency. If any member of the campus community judges that an individual is suffering from the abuse of alcohol or other drugs, s/he is encouraged to initiate discussions with the individual and/or other appropriate party, and address the Cal Poly Pomona Alcohol and other Drugs Policy, and the consequences of alcohol or drug abuse (relating to health and well-being).
- B. In situations where an individual as either supervisor or member of the campus community is uncomfortable approaching the individual who is perceived to suffer from alcohol/drug abuse, the Human Resources Office, Judicial Affairs or Public Safety are viable alternatives to contact.
- C. The supervisor has an obligation to bring work performance concerns to the attention of the employee and to take appropriate action to address the situation.

Employee Job Performance

- A. When an employee's job performance appears to be impacted by behavioral or performance issues related to the use of an illegal substance or the abuse of a legal substance, including alcohol, the supervisor is obligated to take appropriate action to address the situation, including notifying and seeking advice from Human Resources EAP for staff, Faculty Affairs for faculty or Judicial Affairs for student employees. . Appropriate action is determined on a case-by-case basis and may include, but is not limited to supervisory referral to the EAP, corrective action, or Cal Poly Pomona Police Department intervention.
- B. Corrective action for employees found to be in violation of this policy may include, but is not limited to, dismissal, referral for prosecution, and/or referral for rehabilitation. In addition to, or in lieu of corrective action, an employee may be required to participate in an approved counseling or treatment program. Attendance in counseling or treatment programs does not relieve an employee from the obligation to maintain acceptable work standards nor should it delay appropriate corrective action.

APPENDIX F (continued)

- C. Any person covered by this policy who is convicted of a drug or alcohol-related offense committed on campus, at the workplace, on other institutional property, or at an institutional function, shall report the conviction to their respective Vice Presidents. Auxiliary employees and volunteers report to the Human Resources Representative in the respective auxiliary. Cabinet level administrators report to the President. Student employees report to Judicial Affairs.
- D. Employees who are subject to the requirements of the federal Omnibus Transportation Employee Testing Act must comply with the required drug testing provisions, as defined by the program and administered by the Department of Human Resources.

Fitness For Duty

- A. Employees are expected to be in a condition fit to perform the normal and reasonable duties of their positions at all times. The consumption of alcohol or use of drugs which impairs one's ability, either prior to the start of a work shift, during the work shift or during meal breaks, is prohibited.
- B. Fitness requirements are applicable any time an employee is operating a vehicle on University or auxiliary business, whether it is one's personal vehicle or an employer- owned vehicle.
- C. All professional or paraprofessional/student assistants of University Housing Services while on duty coverage, shall not consume or be under the influence of alcohol or any other mind or mood altering substances. Professional live-in staff members must be in a condition where they can respond to any emergency situations at any time.
- D. An employee using a prescribed drug (e.g. muscle relaxant, pain medication) who has been advised by his/her physician, or who has reason to believe, the drug may affect his/her ability to perform his/her job duties safely or efficiently, is required to report any safety issues and requests for accommodation while taking the drug. A medical certification will also be required, but should only list the need for accommodation, not a diagnosis. The immediate supervisor and employee will confer with Human Resource Services (for staff), Academic Affairs (for faculty) or Judicial Affairs (for student employees), to discuss the request for accommodation. Consultation with the employee's physician may be required to determine whether or not an accommodation can be made, as well as appropriate responses to the request, without risk to safety or loss of efficiency. This is a confidential process; the doctor should not discuss the diagnosis with the University, but should only discuss the possible ways to accommodate the employee.
- E. The failure to be in a condition to perform the normal and reasonable duties of the position at all times, may result in disciplinary action up to, and including termination.

Enforcement of Regulations

- A. Disciplinary Action--If an employee or student employee is suspected with good reason of the unlawful manufacturing, distributing, dispensing, possessing or using of illicit drugs or is in violation of an alcoholic beverage statute on University property, or in connection with University activities, the University will investigate and take appropriate action.
 - 1. Faculty and staff members will be referred to their immediate supervisor with assistance from Academic Affairs and Human Resources respectively and/or Public Safety.
 - 2. Supervisors and members of the campus community should report concerns or issues about student employees to Judicial Affairs Office and/or Public Safety. Student organizations will be referred to the Office of Student Life and/or Public Safety.

APPENDIX F (continued)

- B. In situations in which individuals assume multiple roles within the campus community (e.g. researcher/lecturer, student/staff person, faculty/federal contract researcher), it is recommended that each entity serve as a resource for counsel and clarification of strategies to best resolve the situation.

Confidentiality

All medical records related to the diagnosis or treatment of drug or alcohol abuse program involving a Cal Poly Pomona employee or student employee are confidential. This information is subject to protection under Federal and State laws and may not be disclosed without specific authorization by the employee.

APPENDIX G

HEALTH RISKS Associated with the Use of Alcohol and Other Drugs

The following information is meant to be used as a guide to inform you of potential drug and alcohol problems. This information should not be used as a diagnostic tool, nor is the information definitive of substance abuse. If you have concerns about a person's behavior, please utilize the resources provided in Appendix H.

Alcohol:

Alcohol is a depressant that reduces activity in the central nervous system. It can decrease heart rate, lower blood pressure, and decrease respiration rate. Alcohol intoxication lowers inhibitions, impairs judgment, slows reaction times and causes loss of fine motor coordination.

When a person drinks too much, their capacity to process information and make safe decisions is impaired. The risks associated with alcohol misuse include hangover, overdose and addiction. Alcohol misuse and abuse places you at increased risk for physical injury, driving under the influence, sexual assault and other violent behavior. Misusing alcohol can also have a negative impact on academic success, work performance, friendships and family relationships.

Numerous health risks are associated with drinking. Alcohol can interact with many over-the-counter, prescription, and illegal drugs, intensifying the effects of these drugs and leading to potential organ failure or death. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain function; impaired sensation, memory lapses or blackouts, organ damage, and addiction. Research indicates that adult children of alcoholics have as much as a four to six times greater risk of becoming an alcoholic or having a problem with other drugs.

Excessive drinking can result in alcohol poisoning. On average, it takes over an hour to eliminate the alcohol content of one drink from the body. Nothing can speed up this process- not even coffee or cold showers. Drinking too much or drinking a large quantity of alcohol quickly raises one's blood alcohol content to the point where their body cannot effectively process the alcohol. This can result in overdose and possibly coma or death.

Marijuana:

Effects of THC (the active ingredient in marijuana) vary depending on the person, setting, dose, and/or expectation of the user. Marijuana can make it harder to function and succeed in an academic or work setting, particularly when tasks require close attention and thoughtful decision-making. Using marijuana may impair one's short-term memory, reading comprehension, and capacity to solve verbal and mathematical problems. Increased heart rate and uncomfortable feelings such as paranoia and panic are often experienced with marijuana use. Additionally, regular use may lead to "amotivational syndrome" with symptoms of listlessness, fatigue, inattention, withdrawal and apathy, making it difficult to achieve academic and personal goals.

Coordination is greatly affected by marijuana use since it slows reflexes and impairs visual perception. Driving while under the influence (or being driven by someone else under the influence) can be as dangerous as driving under the influence of alcohol. Regular use can lead to a variety of health problems such as elevated blood pressure and decreased body temperature; irritation of the mouth, throat, and lungs, and aggravation of asthma, bronchitis, and emphysema; chronic lung disease and cancer. Additionally, one can test positive for marijuana up to 3 months after use.

APPENDIX G (continued)

Inhalants:

Inhaling fumes (also known as “huffing”) from chemicals such as paint thinners, glue, gasoline, propane, butane, nitrous oxide, and others can be extremely risky and can cause death. Other health consequences include loss of inhibition, loss of motor coordination and/or muscle weakness, headache, nausea or vomiting, cramps, slurred speech, wheezing, unconsciousness, depression, memory impairment, and/or damage to heart and nervous system.

Tobacco:

The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in heart disease, emphysema and cancer. Emphysema destroys the lung’s capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Chewing tobacco and snuff are **not** safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly-spreading cancers of the mouth, head, and neck.

Ecstasy (MDMA):

Ecstasy (MDMA) is a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.

Steroids:

Anabolic steroids are synthetic versions of the hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to gain an edge (albeit illegally) in athletic endeavors. Steroid use can lead to a variety of health problems including high blood pressure, liver disease and cancer. Male users experience testicular atrophy, breast growth, impotence, sexual dysfunction, acne, and aggression (‘roid rage). Female users experience enlarged clitoris, deepened voice, male pattern baldness, and acne. Most of these effects are permanent even after steroid use has ended.

Cocaine:

Cocaine is a highly addictive stimulant that can lead to serious health problems such as heart attack, respiratory failure, strokes, seizure, and/or death. Common effects of cocaine include damaged nasal tissues, malnutrition, intense anxiety and anger, violent behavior, restlessness, fear, paranoia, depression, and hallucinations.

Amphetamines:

Amphetamines are highly addictive stimulants that can have severe health consequences, including death. Even limited use can lead to many physical symptoms including increased heart rate and blood pressure; heart, brain, and lung damage, stroke, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.

APPENDIX G (continued)

LSD:

LSD (acid) can dramatically alter one's thought processes, mood, and perceptions. Initial effects of LSD are mostly physical and include dilated pupils, muscular weakness, rapid reflexes, decreased appetite, increased blood pressure and increased body temperature. As effects continue, the user begins to experience visual and other sensory distortion, which can result in unusual or frightening hallucinations. LSD can trigger more serious problems such as psychosis for individuals with a history of psychological problems. Effects may recur days or weeks later without further use (flashbacks).

Heroin:

Heroin is a highly addictive opiate that can be lethal in high doses. Health effects of heroin use include drowsiness and loss of appetite, addiction with severe withdrawal symptoms, impaired mental functioning, slowing of reflexes and physical activity; infection, hepatitis, and HIV (from needle sharing), or death from overdose.

Predatory Drugs:

These drugs are given to another person without them knowing, usually by slipping the drug into a drink. Rohypnol (aka. Roofies), is a potent tranquilizer that has been used to facilitate sexual assaults. Effects of the drug occur 20 to 30 minutes after ingestion and leave the person feeling drowsy, dizzy, and disoriented, rendering them helpless and immobile. In addition to these sedative effects, impaired balance and/or speech, and memory loss are common.

Like rohypnol, GHB has also been associated with sexual assault. In its clear liquid form, it can easily be slipped into someone's drink. Effects of the drug can be felt in 15-20 minutes and include dizziness, heavy drowsiness, and confusion. Some people use GHB to enhance the effects of alcohol or other drugs. This combination can be especially life-threatening due to synergistic effects of the drugs. GHB use can lead to a variety of physical problems such as dizziness, nausea, breathing problems, memory loss, seizures, unconsciousness, and in some cases, death.

Originally used as an animal tranquilizer, ketamine is now used as a club drug due to its hallucinogenic effects. Many negative effects can result from ketamine use including vomiting, numbness, loss of muscle control, paranoia, and aggression. In larger doses, effects may include convulsions, decreased oxygen to the brain, coma and even death. Individuals who use ketamine are at increased risk for sexual and physical assault since their loss of muscle control and mental state make them vulnerable to assault.