

**OFFICIAL NOTICE TO FACULTY AND STAFF
REGARDING SUBSTANCE ABUSE IN
UNIVERSITY CAMPUS COMMUNITIES AND WORKSITES**

This Official Notice is issued pursuant to the requirements of Subpart B, Section 86.100 of the Federal Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act of 1988.

The University of California Policy on Substance Abuse prescribes standards of conduct expected of faculty and staff to maintain drug-free campus communities and worksites, and contains provisions to ensure that the University is in compliance with both federal statutes.

THE UNIVERSITY OF CALIFORNIA POLICY ON SUBSTANCE ABUSE

The University of California recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance dependency problems. Employees (including student employees) are encouraged to seek assistance as appropriate from Employee Support Programs, health centers, and counseling and psychological services available at University locations or through referral. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with Federal and State laws.

The University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 United States Code 812, and by regulation at 21 C.F.R. 1308. Unlawful manufacture, distribution, dispensing, possession, use or sale of alcohol or of controlled substances by University employees and students in the workplace, on University premises, at official University functions, or on University business is prohibited. In addition, employees and students shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

Employees found to be in violation of this Policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable University policies and labor contracts, or may be required, at the discretion of the University, to participate satisfactorily in an Employee Support Program.

Students found to be in violation of this Policy may be subject to corrective action, up to and including dismissal, as set forth in the University of California Policies Applying to Campus Activities, Organizations, and students (Part A), and in campus regulations, or may be required, at the discretion of the University, to participate satisfactorily in a treatment program.

Special requirements for employees engaged on Federal or State contracts and grants:

The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) 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.

Employees working on Federal contracts and grants shall notify the University within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. This requirement also applies to all indirect charge employees, i.e. an employee who performs support or overhead functions related to the grant and for which the federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the grant. The University is required to notify the Federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within thirty calendar days of having received notice of such conviction.

LEGAL SANCTIONS

There are numerous federal, state, and local statutes and ordinances relating to the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol. These statutes impose legal sanctions for both felony and misdemeanor convictions related to violations of applicable laws and ordinances. Appendix I provides detailed information on these statutes. Scheduled drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substances Act (29 U.S.C. 812) and are further defined by regulations 21 CFR 1308.11 through 1308.15.

HIGHLIGHTS FROM FEDERAL AND STATE LAWS

- The manufacture, sale, or distribution of all scheduled drugs is a felony, which could result in serving time in prison; simple possession of controlled substances is generally a misdemeanor crime, and can be punished by fines and/or imprisonment in the county jail, plus other court terms.
- Health care providers are barred from receiving payment from federal insurance programs upon conviction of a criminal offense involving distribution or dispensation of a controlled substance.
- Distribution or possession with the intent to distribute a controlled substance on University property requires a sentence up to twice the prescribed sentence for the original offense, and twice the prescribed parole time.
- The cultivation, possession for sale, or sale of marijuana is a felony.
- Possession of one ounce or more of marijuana for personal use is a misdemeanor, which could include payment of a fine or serving time in jail; possession of less than one ounce for personal use is an infraction, which could include a fine up to \$100.00 plus court fees.
- It is a misdemeanor to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under 21 or any obviously intoxicated person, and no one under 21 may purchase alcoholic beverages.
- It is unlawful for any person under 21 to possess alcoholic beverages on any street or highway or in any place open to public view.

HEALTH RISKS ASSOCIATED WITH SUBSTANCE ABUSE

Substance abuse may result in a wide spectrum of extremely serious health and behavioral problems. Substance abuse results in both short- and long-term effects upon the body and mind. There are specific health risks related to alcohol and drug use, and there are general health risks related to impairment and addiction. Alcohol and drugs are toxic to the body's systems. In addition to the problem of toxicity, contaminant poisonings often occur with illegal drug use. HIV infection associated with intravenous drug use is a prevalent hazard.

Acute health problems may include heart attack, stroke, and sudden death -- which, in the case of some drugs such as cocaine, can occur after first-time use. Long-lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells and permanent memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

SAFETY AND PERFORMANCE

Employees and students with substance abuse and dependency problems create excessive safety risks for themselves, their colleagues, and others. A person who is mentally or physically impaired because of drug or alcohol use may behave in careless and unsafe ways. In addition, substance abuse may noticeably affect an employee's job performance, which may, over time, decline in quality. Such employees tend to have unusually high accident rates, and are usually absent or tardy more frequently than others.

Detailed information and literature about the health risks associated with substance abuse are available from the Benefits Office.

WHERE TO GET HELP

Assessment and referral services for those who have substance abuse problems are available through the UCSC Employee Assistance Program. Employee Assistance Program services are provided by Optum (formerly United Behavioral Health). Information disclosed by an employee who is receiving assistance will be considered confidential, in accordance with federal and state laws and University policies.

The Employee Assistance Program provides information, consultation and referral services to assist employees in dealing with a wide range of personal problems that negatively affect their lives. Among these services are training and orientation for employees and

supervisors on substance abuse issues, individual case evaluation, initial counseling, assistance in developing individual treatment plans, referral to outside counseling and treatment providers, treatment follow-up, and assistance in dealing with health care providers.

Employees are encouraged to seek assistance for substance abuse and dependency problems voluntarily (self-referral). To find out what services are available to you contact Optum at 1-866-808-6205 or visit the www.liveandworkwell.com website (access code: UCSC).

DISCIPLINARY SANCTIONS

Academic and staff employees found to be in violation of the University of California Policy on Substance Abuse may be subject to corrective or disciplinary action, up to and including dismissal, as provided under applicable University policies and labor contracts covering exclusively represented personnel.

In lieu of corrective or disciplinary sanctions, and at the discretion of the University, employees found to be in violation of University policies may be required to participate satisfactorily in the Employee Assistance Program or other counseling program.

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APPENDIX I

LEGAL SANCTIONS PERTAINING TO THE USE OF ALCOHOL AND CONTROLLED SUBSTANCES

This is not intended to be a comprehensive list of all applicable laws. Moreover, laws may change over time. Individuals are expected to be aware of current federal, state, and local laws.

FEDERAL LAWS GOVERNING CONTROLLED SUBSTANCES

- The manufacture, sale, or distribution of all scheduled (illicit) drugs constitutes a felony. 21 U.S.C. 841.
- Scheduled Drugs include the various narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g. PCP, MPTp, MDMA.* 21 U.S.C. 812.
- Simple possession of controlled substances can be punished by civil fines of up to \$10,000 per violation and a jail sentence. 21 U.S.C. 844, 844a.
- Distribution or possession with the intent to distribute a controlled substance on University property requires a sentence enhancement of up to twice the prescribed sentence for the original offense, and at least twice the prescribed amount of parole time. This provision also calls for a mandatory sentence of not less than one year in prison for any offense except possession of less than 5 grams of marijuana. 21 U.S.C. 860a.
- 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. 21 U.S.C. 862.
- Non United States citizens convicted of violation of any law or regulation of a state, the United States, or a foreign country are subject to deportation and exclusion from entry to the United States. 8 U.S.C. 1182, 1251.
- Persons who are health care providers are barred from receiving payment from federal insurance programs upon conviction of a criminal offense involving distribution or dispensing a controlled substance. 5 U.S.C. 8902a.
- 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. 21 U.S.C. 881.

CALIFORNIA LAWS REGARDING CONTROLLED SUBSTANCES

California law regarding controlled substances is in many respects similar to federal law. One set of sanctions, however, of which we should be aware is that most professionals subject to licensing under the Business and Professions Code are subject to discipline, up to and including loss of license, for conviction of offenses involving controlled substances.

CALIFORNIA LAWS GOVERNING MARIJUANA

- The cultivation (i.e. growing or harvesting), the possession for sale, or the sale of marijuana constitutes a felony. A felony conviction can involve serving time in a state prison. (Cal. Health and Safety Code 11358 & 11359)
- Possession of one ounce or less of marijuana for personal use constitutes an infraction. A conviction could carry a fine of up to \$100.00 (plus court fees). [Cal. Health and Safety Code 11357(b)]
- Possession of one ounce or more of marijuana for personal use constitutes a misdemeanor, the conviction of which could carry a punishment of fines and/or imprisonment in the county jail, plus other court terms. . [Cal Health and Safety Code 11357(c)]

CALIFORNIA LAWS GOVERNING ALCOHOL

- 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 25658)
- 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 the public. [California Business and Professions Code 25662(a)].
- 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 obviously intoxicated person (California Business and Professions Code 25602).
- It is a misdemeanor to sell alcoholic beverages any place in the state without a proper license from the Department of Alcoholic Beverage Control. (California Business and Professions Code 23301).
- It is unlawful for any person to drink while driving, or to have an open container of an alcoholic beverage in a vehicle [Vehicle Code 23222(a)]. With a blood alcohol level of .08 or higher, a driver is presumed under the influence of alcohol [Vehicle Code 23152(b)]. Between .05% and .08% a person may be found guilty of driving under the influence [Vehicle Code 23155(a)(2)]
- The California Attorney General has offered the opinion that bicyclists operating a bicycle on a highway enjoy the same rights but are subject to the same regulations as motor vehicle operators [Vehicle Code 21200(a)]. Any bicyclist operating a bicycle on a highway while intoxicated is in violation of Vehicle Code 21200.5.
- It is unlawful for a person under 21 years to operate a motor vehicle in California with a BAC (blood alcohol count) of 0.01% or greater under California's zero tolerance DUI law (23136cvc). The violation is a civil offense enforced by the California Department of Motor Vehicles. Under 21 years of age DUI with a BAC of 0.05% - 0.07% the violation is an infraction (23140cvc). The consequences of this violation will include the civil ramifications of zero tolerance. For anyone operating a motor vehicle in California DUI with BAC of 0.08% or higher, the violation is a misdemeanor (23152(a)cvc). If less than 21 years of age, DUI violators with a BAC level of 0.08% or greater can be penalized with 48 hours of jail time, 3 month drivers license suspension, fine including assessments and penalties, 36 months probation and 3 months of alcohol classes.

SANTA CRUZ MUNICIPAL CODE 9.12

- It is unlawful for any person to possess an open container containing an alcoholic beverage in public on city property unless the container is fully enclosed in another container so that it is inaccessible for consumption (9.12.030).
- It is unlawful to drink an alcoholic beverage in public places such as at the beach, in parks, or downtown (9.12.020).

* Scheduled drugs are listed in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulations (21 CFR 1308.11 through 1308.15).