

ALCOHOL AND SUBSTANCE ABUSE POLICY

POLICY STATEMENT

The unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol is prohibited at Chapman University.

REASON FOR THE POLICY

This policy is necessary to implement the provisions of the Drug-Free Schools and Communities Act and the Drug Free Workplace Act.

POLICY

The Drug–Free Schools and Communities Act

The Drug-Free Schools and Communities Act Amendments of 1989 (20 USC 1145g) require that institutions of higher education certify that they have adopted and implemented a drug and alcohol prevention program as a condition of receiving funding under any federal program. The Secretary of Education has, as required by the Amendments issued regulations to enforce the law. These regulations, known as the "Drug Free Schools and Campuses," may be found in 34 CFR 86. Under the Drug-Free Schools regulations certification generally is required only once.

The basic requirements of the Amendments can be found at 20 USC 1145g and in the regulations at section 86.100. The regulations state that the prevention program of Institutions of Higher Education (**IHE**) must at a minimum include:

- 1) The annual distribution in writing of the following information to each employee, and to each student who is taking one or more classes for any type of academic credit, except for continuing education units, regardless of the length of the student's program of study;
 - a) Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
 - b) A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
 - c) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
 - d) A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students.
 - e) A clear statement that the **IHE** will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law; and a description of those sanctions, up to and including expulsion or termination of employment and

referral for prosecution, for violations of the standards of conduct required by paragraph 1.a. of this section.) A disciplinary sanction may include the completion of an appropriate rehabilitation program.

- 2) A biennial review by the IHE of its program to determine its effectiveness and implement changes to the program if they are needed.
- 3) Assurance that the disciplinary sanctions are consistently enforced (55 Fed. Reg. 33582).

The Drug –Free Workplace Act of 1988

The Drug-Free Workplace Act of 1988 requires recipients of federal contracts or grants to certify that they will maintain a drug-free workplace by: 1) publishing an anti-drug policy statement; (2) providing workers with a copy of the statement; (3) establishing an employee drug awareness and education program; (4) stipulating that, as a condition of employment, workers must abide by the anti-drug policy and report any criminal convictions for drug-related activity in the workplace; (5) notifying the appropriate federal agency of employee conviction; (6) taking appropriate personnel actions against workplace substance abusers; and (7) making a 'good faith' effort to comply with the Act's requirements. The certification mandated in the Drug-Free Workplace Act must be submitted with each application for a grant or contract.

Statement of Philosophy

In keeping with its institutional mission, Chapman University seeks to provide an environment which is conducive to the pursuit and acquisition of knowledge and which fosters the social, cultural and intellectual growth of students. Responsibility for the preservation of a quality academic environment rests with faculty, staff, and students alike. Chapman University is committed to teaching responsible, mature decision making and concern for self and others rooted in solid values and in a life-preparatory philosophy. This Alcohol and Substance Abuse Policy is imbued with these philosophies.

Chapman University seeks to fulfill this commitment first and foremost through educational means relying heavily on positive staff and faculty role modeling, the formation and use of a peer education network and curriculum infusion whenever possible. Factual information and knowledge regarding alcohol and drugs, skills and strategies for achieving and maintaining healthy behaviors, creation of a cooperative and consistent campus peer environment and compliance with all local federal regulations are components of this educational agenda. Illegal and abusive use of alcohol and other drugs by any member of the campus community constitutes an untenable threat to the community and signals a need for intervention on the part of the University. There are a number of individuals and offices that can provide confidential information and consultation regarding alcohol and drug issues. These include Student Psychological Counseling Services, Student Health Services, and the Director of Peer and Health Education. In addition, the Dean of Students, Director of Student Activities and Organizations, the University Chaplain, Director of Human Resources, and/or an alcohol

and substance abuse peer educator can be contacted for assistance.

Federal, State and Local Laws Regarding Drug and Alcohol

It is the University's belief that all disciplinary sanctions should assist in education and provide the opportunity for personal growth; to that end, counseling and referral for individual assessment may be included as a condition of any sanction. However, the University is required to adhere to all laws applicable to the dissemination and use of drugs and alcohol. In compliance with the Drug Free Schools and Communities Amendments Act and Drug-Free Workplace Act, the following summarizes the principal laws applicable to Chapman University. Complete copies of these laws and advice regarding their application are available from the Office of Student Activities and Organizations.

Laws Regarding Drug Use

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. for unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law.

Criminal Sanctions under California Law for the unlawful possession or distribution of illicit drugs and alcohol include the following:

- 1) Imprisonment in State prison for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).
- 2) Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine (Health and Safety Code Section 11351).
- 3) Imprisonment in state prison for three to five years for possession for sale of cocaine base (Health and Safety Code Section 11351.1).
- 4) Fine not exceeding \$50,000 for possession for sale of heroin (Health and Safety Code Section 11352.2).
- 5) Fine of not more than \$100 for possession of less than 28.5 grams of marijuana; imprisonment in county jail and/or fine of not more than \$500, or imprisonment in State prison for possession of concentrated cannabis (Health and Safety Code Section 11357).
- 6) Imprisonment in State prison for possession for sale of marijuana (Health and Safety Code Section 11359).

Laws Regarding Alcohol Use

Chapman University has established an alcohol use policy based on the tenet that those

serving and drinking alcohol will do so responsibly, with concern for others around them, and with an understanding of the social, personal, and legal issues involved.

It is the responsibility of the persons or organization requesting an alcohol permit (see Chapman University Alcohol Permit) to be familiar with and abide by all laws regarding the sale and use of alcoholic beverages. The following is a summary of the more important laws that directly relate to the University's Alcohol Policy:

Minors

Definitions: The State of California requires that individuals be twenty-one (21) years of age to purchase alcoholic beverages or to consume it in any on-sale premises (Business and Profession Code §256658 (b)). Minors who use any form of false identification in order to obtain alcoholic beverages are guilty of a misdemeanor and subject to at least a \$200.00 fine (Business and Professional Code §25661). It is also unlawful to provide a minor with a false identification for any purpose (Business and Professional Code §25660.5).

Additionally:

- a) It is a misdemeanor for anyone to sell, furnish, or give or cause to sell, furnish, or give any alcoholic beverage to a minor (Business and Professional Code §25658(a)).
- b) It is prohibited to advertise alcoholic beverage in such a way as to encourage minors to drink (Business and Professional Code §25664).
- c) It is a misdemeanor for a minor to have any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public (Business and Professional Code §25662(a)).
- d) Any minor who purchases any alcoholic beverage, or any minor who consumes any alcoholic beverage, or any minor who consumes any alcohol beverage in any on-sale premises, is guilty of a misdemeanor and shall be punished by a fine of not less than \$200.00, no part of which shall be suspended (Business and Professional Code §25658(b)).
- e) Minors attempting to purchase alcoholic beverages will be fined \$100.00 for the first offense and \$250.00 for a second or subsequent offense. Violators may also be required to perform 36 hours of community service (Business and Professional Code §25658.5).
- f) No minor shall knowingly drive any motor vehicle carrying any alcoholic beverage unless the minor is accompanied by a parent or legal guardian (Business and Professional Code §23224(a)).
- g) Peace officers who lawfully enter a premise may confiscate alcoholic beverages which are in plain view and possessed by or provided to minors at social gatherings. The gatherings must be open to the public, have 10 or more minors in attendance, with minors consuming alcoholic beverages and no supervision by the parent or guardian of one or more of the participants. Alcoholic beverages in

open containers that are confiscated may be destroyed while those in unopened containers shall be impounded for not more than seven (7) working days after which they too may be destroyed. Unopened containers may be released within the seven(7) days to the owner or resident of the property provided they are 21 years of age (Business and Professional Code §25662(b)).

- h) Any person providing an alcoholic beverage to a minor will be contributing to the delinquency of a minor and guilty of a misdemeanor (Penal Code §272).

Possession of Alcohol in a Public Place

It is unlawful to be in possession of alcoholic beverages in a public place (Orange Municipal Code 9.16.050). A public place is defined as any location where all members of the public have unrestricted access. This includes, but is not limited to, outside walkways within the University Campus and walkways and balconies within the Residence Halls and apartments.

Intoxicated Person

Definition: The use of intoxicating liquor by the average person in such quantity as to produce intoxication causes many commonly known outward manifestations which are "plain" and "easily seen or discovered". [People of the State of California v. Johnson, 185 P.2d 105 (Cal. App. Sup. Ct. L.A. Cty. 1947), p. 106]. Additionally, the sale or furnishing of alcoholic beverages to an obviously intoxicated person is a misdemeanor (Business and Professional Code §25602).

Operation of Vehicle

- a) It is unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, to operate a bicycle or a motor vehicle (Business and Professional Code §23152(a)).
- b) No person shall drink any alcoholic beverage while driving a motor vehicle upon any highway (Business and Professional Code §23220).
- c) No person shall have in his or her possession, on his or her person, while driving a motor vehicle upon any highway, any bottle, can or other receptacle, containing an alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed (Business and Professional Code §23223).

Sale of Alcohol

It is a misdemeanor to sell alcoholic beverages without a license from the State Alcoholic Beverage Control Board (Business and Professional Code §23300 and §23301). Included are forms of indirect sales such as selling tickets which may be exchanged for drinks, tickets of admission which include an alcoholic beverage or "passing the hat" during an event to cover the cost of alcohol.

Health Risks Associated with the Use of Drugs and Alcohol

The use of any mind or mood-altering substance, including alcohol, can lead to psychological dependence, which is defined as a need or craving for the substance and feelings of restlessness, tension or anxiety when the substance is not used. In addition, with many substances use can lead to physical tolerance, characterized by the need for increasing amounts of the substance to achieve the same effect, and/or symptoms when the substance is no longer being used. As tolerance and psychological or physical dependence develop, judgement becomes impaired and people often do not realize they are losing control over the use of the substance and that they need help. It is impossible to accurately predict how an individual will react to a specific drug or alcohol because effects vary depending on the person, environmental variables, the dosage and potency of the substance, the method of taking the substance, the history of use, and whether the substance is taken in conjunction with other substances. Illegal drugs have particularly unpredictable effects due to variability in dosage and purity. Further, the overall potency of street drugs has increased dramatically making users increasingly susceptible to negative effects.

Alcohol acts as a depressant to the central nervous system and can cause serious short and long-term damage. Short-term effects include nausea, vomiting, and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage, and eventually death. Ingesting a large amount of alcohol at one time can lead to alcohol poisoning, coma and death. Drugs such as LSD, amphetamines, marijuana, and alcohol alter emotion, cognition, perception, physiology, and behavior in a variety of ways. Health risks include but are not limited to depression, apathy, hallucination, paranoia, and impaired judgement, and all substances can have adverse effects on pregnancy. When two or more substances are combined, there is often an effect that is stronger than their additive sum.

Chemical Dependency Recognition and Counseling Policy

Student Psychological Counseling Services (SPCS) operated by the principle that the University has a responsibility to educate, prevent, and/or help procure treatment for individuals with chemical dependency or difficulties origination from family problems involving chemical dependency. SPCS believes that chemically dependent persons can and should be effectively treated and rehabilitated and views the problem primarily as a disease which can be treated, and not reflective of the moral character of the student. The goal is to help restore the person to full physical and psychological health so that he/she can function productively in personal, academic, and professional pursuits.

SPCS also believes that adequate chemical dependency treatment often requires specialized care, involving intervention, assessment, medical evaluation, and detoxification procedures, as well as treatment and adequate follow-up. Facilities at SPCS do not allow for a complete chemical dependency program to be carried out on campus, therefore services provided by SPCS are limited and specific (see *Procedures and*

Protocols for SPCS).

A student who has concerns about personal chemical dependency problems may contact SPCS for a preliminary assessment at 997- 6778.

Possible outcomes may include assignment to a counselor at SPCS if the problem is deemed low-risk and appropriate to the level of treatment and expertise available at SPCS; referral to the Director of Peer & Health Education for education concerning drugs and/or alcohol; referral to Student Health for medical assessment; and/or referral for further assessment by a treatment facility in the community. University administrators, faculty, staff, and students who have concerns about a student's possible chemical dependency should either refer the student to SPCS or come to the Wellness Center in person. Referrals do not have to be based on a formal diagnosis of chemical dependency. Behavioral or academic problems, impaired work performance, difficulties in interpersonal relationships due to alcoholism or drug abuse are sufficient reasons for referral.

Any student, faculty, administrator, or staff contacting SPCS or Human Resources for chemical dependency issues will be assured of confidentiality. No information will be released without written permission.

Nothing in this statement is to be interpreted as constituting a waiver of the University's responsibility to maintain an environment conducive to education and personal safety or the right to take disciplinary measures in the case of conduct violation that may result from chemical dependency. Students involved in illegal activities are not exempt from their legal liabilities, civilly or criminally.

Life Assistance Program (LAP)

The University has contracted with Cigna's Life Assistance Program to provide ongoing assistance to employees and their family members with a variety of matters including alcohol and substance abuse problems.

Information about this program can be found on the Human Resources website at <https://www.chapman.edu/faculty-staff/human-resources/benefits/index.aspx>

Education Programs

Peer Education Program (PEP)

Chapman University Maintains a Peer Education Program (PEP) to train selected students to provide initial education of students with potential substance abuse problems. PEP training is designed for students whose special position within the University places them in regular, personal contact with other students. An example of such a position is that of the Resident Advisor. Each academic year, the Peer and Health Education Director will solicit students who desire to become Peer Educators. In consultation with the Dean of students and the Director of Student Activities and

Organizations/Assistant Dean of Students, the Director of Peer and Health education will select a minimum of two students to enter the PEP. Through appropriate courses presently within the University curriculum, students will receive instruction in the causes and effects of alcohol and substance abuse. During supervised internships, students will receive training in peer education techniques. Supervision of PEP educators will be provided by the Director of Peer and Health Education.

Continuing Education Programs (CEP)

The University sponsors a number of programs designed to provide students with an understanding of alcohol and substance use and abuse.

Students, Staff, Administrators, and Faculty Involved in Alcohol and Substance Abuse

All members of Chapman University must comply with all University policies as well as with local, state, and federal laws with regard to alcohol and drug use. Chapman University and participating law enforcement agencies have agreed to work in a cooperative manner to assist members of the University involved in substance abuse. All agencies involved in assisting persons involved in substance abuse have agreed to cooperate and work together in assisting corrective measures to avoid duplication and unfair punishment. The University has agreed to release all substance confiscated from its members to the appropriate law enforcement agency.

Chapman University, in compliance with and in support of the Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act Amendments of 1989, hereby notifies all employees that the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol is prohibited at Chapman University.

Violation of this prohibition by an employee shall result in Chapman University taking appropriate personnel action against the employee, up to and including termination of employment, or requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. As a condition of employment, each employee shall abide by the terms of this statement and shall notify Chapman University through the Department of Human Resources of any criminal drug statute conviction for a violation occurring at Chapman University no later than five (5) days after such conviction. Within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction, the Human Resources Department shall notify the U.S. Department of Education of said conviction. Within thirty (30) days of the Department of Human Resources being notified of said criminal conviction, the Department of Human Resources shall notify the U.S. Department of Education of the personnel action taken.

Chapman University is committed to maintaining a drug-free workplace as outlined in the preceding paragraph and will provide employee assistance through referral drug

counseling and/or rehabilitation upon request through the Department of Human Resources. Employees deemed by Chapman University to be in violation of the prohibition short of actual conviction, and short of requesting referral through the Department of Human Resources, shall be subject to the personnel action deemed appropriate by the University as outlined in the preceding paragraph.

Procedures for Students Involved in Alcohol and Substance Abuse

The Chapman University Student Conduct Code, Student Handbook and the Guide to Residence Living provide information regarding the codes of conduct and referral sources for Chapman University students involved in alcohol and substance abuse violations.

OFFICE RESPONSIBLE FOR POLICY

Human Resources

Contact information for questions about this policy:
Michael Nee, nee@chapman.edu, (714) 997-6924

WEBSITE ADDRESS FOR THIS POLICY

https://www.chapman.edu/faculty-staff/human-resources/_files/policies/alcohol-and-substance-abuse-policy.pdf

APPROVAL AND PUBLICATION DATES

Effective: (Date of publication)

This policy was published in June 1998 as part of the Staff and Administrative Handbook, sections of which were amended in March 2017. In March 2021 the sections of the handbook were separated into policies, with no substantive change in content.

RELATED MATERIALS

N/A