

The discipline of learning. The art of caring.

Office of the Registrar • 309 E 2<sup>rd</sup> St • Pomona, CA 91761 • phone: 909-469-5342 • fax: 909-469-5425 • email: registrar@westernu.edu

#### **DRUG and Alcohol Abuse Prevention**

Policy

The following Drug-Free Workplace Policy is to notify all students that pursuant to the Federal Drug-Free Workplace Act of 1988 (Public Law 101-690), the United States Drug-Free Schools and Campuses Act, the Alcohol and Drug Policy Commission of the Oregon Health Authority and California Drug-Free Workplace Act of 1990, Western University of Health Sciences prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, on school property, or as part of any school activity.

In order to enforce this policy, the University reserves the right to conduct searches of University property, student, or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

The illegal use or abuse of drugs which impair a student's ability to perform academically, or disrupts others in the performance of their work or academic endeavors is strictly prohibited. The unlawful sale, manufacture, possession, distribution or use of controlled substances on the University's campuses is strictly prohibited. Students convicted of any criminal drug violation are required to notify the University within five days of the conviction. The University may then report this conviction to the appropriate agencies.

Any student who is using prescription or over-the-counter drugs that may impair their ability to safely perform their academic duties, or affect the safety or well-being of others, must notify the Student/Employee Health Coordinator. The student needs not disclose the condition(s) for which the drugs are being used. Following the required disclosure, the University will determine whether reasonable accommodations can be made which would allow the student to perform his or her duties safely.

Any student who violates this policy will be subject to disciplinary action, up to and including dismissal from his/her program of study.

The University will encourage and reasonably accommodate students with alcohol or drug dependencies to seek treatment and/or rehabilitation. Students may consult with OptumHealth's Employee Assistance Program (EAP) for Students for referral information. The University is not obligated, however, to retain any student whose academic or professionalism performance is impaired because of drug or alcohol use, nor is the University obligated to re-admit any person who has participated in treatment and/or rehabilitation if that student's performance remains impaired as a result of dependency. Students who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency, will not automatically receive a second opportunity to seek treatment and/or rehabilitation.

# **Drug Conviction Notification and Imposed Sanctions:**

- 1. Any student must notify Western University of Health Sciences of any criminal drug statute conviction for a violation occurring in the workplace no later than **five business** days after such a conviction.
- 2 Within 30 days after receiving notice of a student conviction, Western University of Health Sciences will impose corrective measures on the student convicted of drug abuse violations in the workplace by:
  - 1. Taking appropriate action against the student up to and including dismissal or referral for Prosecution; and/or

2. Requiring such student to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state of local health, law enforcement, or other appropriate agency.

# State of Oregon Sanctions (per Oregon State Legislature)

#### Classifications & Maximum Fines and Penalties

## Violation

An offense is a violation if any of the following apply:

a) The offense is designated as a violation in the statute defining the offense.

b) The statute prescribing the penalty for the offense provides that the offense is punishable by a fine but does not provide that the offense is punishable by a term of imprisonment. The statute may provide for punishment in addition to a fine as long as the punishment does not include a term of imprisonment.

c) The offense is created by an ordinance of a county, city, district or other political subdivision of this state with authority to create offenses, and the ordinance provides that violation of the ordinance is punishable by a fine but does not provide that the offense is punishable by a term of imprisonment.

#### ORS 161.566, 161.568

The penalty for committing a violation is a fine. The law creating a violation may impose other penalties in addition to a fine but may not impose a term of imprisonment. Violations are classified for the purpose of sentencing into the following categories:

- Class A violations: Up to \$2,000
- Class B violations: Up to \$1,000
- Class C violations: Up to \$500
- Class D violations: Up to \$250
- Unclassified violations
- Specific fine violations

ORS 153.015, 153.012, 153.018

#### Misdemeanor

The crime of a misdemeanor if it is so designated in any statute of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year. There may also be crime-specific penalties provided in the statute defining the crime.

- Class A misdemeanor: Up to 1 year and \$6,250, or twice the value of resulting gain of property or money
- Class B misdemeanor: Up to 6 months and \$2,500, or twice the value of resulting gain of property or money
- Class C misdemeanor: Up to 30 days and \$1,250, or twice the value of resulting gain of property or money
- Unclassified Misdemeanors

ORS 161.545, 161.635, 161.615

#### Felony

The crime of a felony if it is so designated in any statute of this state or if a person convicted under a statute of this state may be sentenced to a maximum term of imprisonment of more than a year. There may also be crime-specific penalties provided in the statute defining the crime.

- Class A felony: Up to 20 years and \$375,000, or twice the value of resulting gain of property or money
- Class B felony: Up to 10 years and \$250,000, or twice the value of resulting gain of property or money
- Class C felony: Up to 5 years and \$125,000, or twice the value of resulting gain of property or money Unclassified Felonies

ORS 161.525, 161.625, 161.605

# Substance-Specific Sanctions

# Alcohol

# MIP - Minor in Possession

No minor under 21 years of age shall attempt to purchase or be in possession of alcoholic liquor. Possession may include holding, consuming or attempting to purchase alcohol. Personal possession of alcoholic liquor includes consumption of liquor.

Fine: Up to \$360 (Class B Violation) ORS 471.430 (1)

# Controlling an Area Where Minors are Permitted to Consume Alcohol

No person in control of property may knowingly allow minor(s) to consume alcohol or allow minor(s) to remain on the property after consuming. Private property may include a hotel room, camp site, or any rented/leased location. Fine: 1st offense a fine up to \$350, 2nd offense is a fine up to \$1,000, and 3rd or subsequent offenses a fine up to \$1,000 and not less than 30 days of imprisonment. (Criminal Violation) ORS 471.410 (3)

## Furnishing Alcoholic Liquor to a Minor

No one shall sell, give or otherwise make available any alcoholic liquor to a person under the age of 21 years. Penalty: Up to \$6,250 and/or jail or both (*Class A Misdemeanor*) ORS 471.410(2)

## Driving Under the Influence

A person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person has a blood alcohol content of 0.08 or more and/or under the influence of intoxicating liquor and/ or controlled substance. For the purposes of the state of Oregon DUII statutes, for a person under 21 years of age, any amount of alcohol in the blood constitutes being under the influence of intoxicating liquor.

Penalty: Minimum fine of \$1,000 for 1st offense, \$1,500 for 2nd offense, and \$2,000 for the 3rd or subsequent conviction. Additional penalties may include: fee to be paid on conviction, suspension of license, mandatory alcohol education, screening and treatment, mandatory imprisonment or community service, attendance at victim impact treatment session and session fee, and ignition interlock device installed on your vehicle *(Class A Misdemeanor)* ORS 813.010

# Misrepresentation of Age by a Minor

When minors misrepresent their age, purposely are not truthful about their age to purchase alcohol, enter a lounge or evade detection by law enforcement, the minor may be fined. If DMV identification is used in misrepresentation, the minor's driving privileges may be suspended for up to one year and/or the minor will have to wait for up to one year to apply for a driver's license.

(Class C Misdemeanor) ORS 165.805

# False Swearing

Falsifying information knowing that what you say is untrue. Anyone purchasing a keg using a false name or any other deceitful information shall be subject to this definition.

(Class A Misdemeanor) ORS 162.075 (1)

# Entry of Licensed Premises by Persons Under 21

No one under 21 years of age shall enter or attempt to enter any area of a licensed premise that is posted or otherwise identified as prohibited to minors.

(Class B Violation) ORS 471.430 (3 and 4)

# Selling Alcohol Without a Liquor License

No person who owns, operates or conducts a private or public club and who is not in possession of a license issued by the commission permitting the mixing, storing, and serving of alcoholic liquor at said premises, and no agent, servant or employee of such person, for a financial consideration by way of a charge for service, membership fee, admission fee, initiation fee, club dues, contributions or other fee or charge, shall serve or permit to be serve. Fine: Up to \$360 (*Class A Misdemeanor*) ORS 471.475

# Marijuana

## Delivery for Consideration (selling, dealing, or bartering)

Penalty: Up to 10 years and up to \$100,00 fine, plus twice the value of any resulting gain of property or money (*Class B Felony* if the delivery is for consideration, Class C Felony if the delivery is for no consideration) ORS 475.860 (2)

Delivery Not for Consideration (less than 1 oz.) Penalty: Up to 1 year and up to \$2,500 (Class A Misdemeanor) ORS 475.860 (3a)

Delivery Not for Consideration (less than 5 gm.) Penalty: Fine of at least \$500, but not more than \$1000 (Violation) ORS 475.860 (3b)

Unlawful possession (less than 1 oz.) Penalty: Fine of \$500-\$1000, plus twice the value of any resulting gain of property or money (Violation) ORS 475.864 (3)

Unlawful possession (more than 1 oz.) Penalty: Up to 10 years and up to \$100,000 fine, plus twice the value of any result gain of property or money (*Class B Felony*) ORS 475.864

# Illicit Drugs

In Oregon, penalties for possession and distribution are determined by the Controlled Substance Schedule upon which the drug appears (ORS 475.035).

# **Health Risks**

The abuse of narcotics, depressants, stimulants, hallucinogens, or alcohol can cause serious detriment to a person's health. The health risks associated with the misuse of the previously mentioned drugs vary but include, and are not limited to: convulsions, coma, paralysis, irreversible brain damage, tremors, fatigue, paranoia, insomnia, and possible death. Drug and alcohol abuse is extremely harmful to a person's health, interferes with productivity and alertness, and attending classes/rotations while under the influence of drugs or alcohol could be a danger to the student under the influence, fellow students, and to patients/clients under the student's care.

Described below are some of the additional dangers and symptoms relative to use/abuse:

• **Marijuana:** Commonly known as "pot", it is a plant with the botanical name of cannabis sativa. Pot is almost always smoked but can be ingested. Use causes the central nervous system to become disorganized and confused. Most users experience an increase in heart rate, reddening of eyes and dryness of the throat and mouth.

Studies have proven that marijuana's mental effects include temporary impairment of short-term memory and an altered sense of time. It also reduces the ability to perform tasks requiring concentration, swift reactions and coordination. Feelings of euphoria, relaxation and bouts of exaggerated laughter are also commonly reported.

Smoking "pot" may cause: brain chemical changes, an altered reality, physically damaged lungs, emphysema, chronic bronchitis, lung cancer, a weakened immune system, damage to sperm in males, irregular menstrual cycles in females, reduced fertility and sex drive.

• **Cocaine/Crack:** Cocaine is a stimulant drug, which is derived from the coca plant. Street cocaine is available in the form of a powder or a "rock" of crack and is most commonly inhaled or smoked. Cocaine increases the heart rate and blood pressure and is very addictive.

Crack is a form of smokable cocaine named for the popping sound it makes when burned. It is a mixture of cocaine, baking soda, and water. It is 5-10 times more potent than cocaine and is extremely dangerous. It has been reported that addiction can occur with as few as two "hits".

and coughing, insomnia, depression, irritability, neglect of responsibility toward work, school, family and friends, and panic attacks.

• Alcohol: In small doses, alcohol has a tranquilizing effect on most people, although it appears to stimulate others. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors; lowered self-control often leads to the aggressive behavior associated with those who drink. Alcohol use can also quickly cause dehydration, coordination problems, and blurred vision.

In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause brain damage and a great number of other health, medical, and social issues.

• Hallucinogens: These are also known as psychedelics. The effects vary; the same person may have different reactions on different occasions. Most users are affected by changes in time and space perception, delusions and hallucinations. The effects may be mild or overwhelming, depending on the dose and quantity or the drug.

Physical reactions range from minor changes such as dilated pupils, a rise in temperature and heartbeat to tumors. High doses can greatly alter the state of consciousness. After taking a hallucinogenic, the user loses control of thought processes. Although many perceptions are pleasant, others may cause panic or may make a person believe that he or she cannot be harmed. These delusions can be quite dangerous.

• Heroin: Heroin is a narcotic, which relieves pain and induces sleep. Commonly known as "junk" or "smack", heroin is a highly addictive depressant and has been attributed as the cause of many deaths. Obvious symptoms include "pin point pupils", drowsy, lethargic, slurred speech and an inability to concentrate. Related medications used to treat pain include oxycontin and oxycodone, methadone, and codeine. The abuse of painkillers ranks second only to the abuse of marijuana in the United States.

Heroin users experience a high rate of infectious diseases due to a weakened immune system and dirty needles shared by users. Children can be born addicted or can become addicted from heroin in the mother's milk.

• **Crystal Methamphetamine:** Crystal methamphetamine is a colorless, odorless powerful and highly addictive synthetic (man-made) stimulant. Crystal methamphetamine typically resembles small fragments of glass or shiny blue-white "rocks" of various sizes. Like powdered methamphetamine), crystal methamphetamine produces longlasting euphoric effects. Crystal methamphetamine, however, typically has a higher purity level and may produce even longer-lasting and more intense physiological effects than the powdered form of the drug.

Crystal methamphetamine use is associated with numerous serious physical problems. The drug can cause rapid heart rate, increased blood pressure, and damage to the small blood vessels in the brain – which can lead to stroke. Chronic use of the drug can result in inflammation of the heart lining. Overdoses can cause hyperthermia (elevated body temperature), convulsions, and death.

Individuals who use crystal methamphetamine also may have episodes of violent behavior, paranoia, anxiety, confusion, and insomnia. The drug can produce psychotic symptoms that persist for months or years after an individual has stopped using the drug.

Crystal methamphetamine users who inject the drug expose themselves to additional risks, including contracting HIV (human immunodeficiency virus), methamphetamine also risk scarred or collapsed veins, infections of the heart lining and valves, abscesses, pneumonia, tuberculosis, and liver or kidney disease.

- **Depressants:** Depressants are highly addictive. They are usually known as "downers". A user may be drowsy, lethargic, suffer from memory loss and have slurred speech. Many lawful drugs that have a depressant feature are from the family of drugs called barbiturates. More serious effects of the abuse of downers are liver damage, paradoxical anxiety and excited rage, coma and death.
- Ecstasy: (MDMA) Also known as XTC, X and E, Ecstasy is a mind altering drug with hallucinogenic and speed like side effects. Often used at raves it is taken to promote loss of inhibition, excited-ness, euphoria, energy, and sexual stimulation. Ecstasy increases the amounts of serotonin in a person's brain, which causes increased energy Page 5 of 8 and cheerfulness; it also contains anti-coagulative properties, which can cause a person to bleed to death if 05/30/14 KD

injured. Ecstasy can also cause serious brain damage in a short time. Side effects of ecstasy are: depression, increase in heart rate and blood pressure, muscle tension, nausea, blurred vision, faintness, chills, brain damage, organ damage, and death. Similar "designer drugs" include MDEA and MDA (also known as "Adam" and "Eve")

- **Ritalin:** Methylphenidate (Ritalin) is a medication prescribed for individuals (usually children) who have an abnormally high level of activity or attention-deficit hyperactivity disorder (ADHD). It contains amphetamines and can be abused as a stimulant by those other than for whom prescribed. When abused, the tablets are either taken orally or crushed and snorted. Some abusers dissolve the tablets in water and inject the mixture complications can arise from this because insoluble fillers in the tablets can block small blood vessels.
- **GHB:** Gamma-hydroxyl butyrate is an intoxicating chemical with medical, recreational, and potentially dangerous uses. Its use is illegal for any purpose in the United States. Nicknamed the "date rape drug," it is a clear liquid often mixed in drinks to promote relaxation or increased sociability. When taken, side effects can be: drowsiness, dizziness, vomiting, amnesia, decreased motor skills, slurring of speech, unrouseable sleep (coma) and death. GHB was used as a dietary supplement until banned by the FDA. GHB is now illegal in the United States. Common slang names for GHB are: G, Liquid X, GBH, Gamma-oh, Blue Verve, Grievous Bodily Harm, Goop, and EZLay.

# Laws relating to Drug Violations:

Attached is a list of violation codes associated with the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance. Any student violating any of the described laws of the Health and Safety Code or the Business and Professional Code could be subject to fines and imprisonment.

# **Federal Trafficking Penalties**

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES	
Cocaine (Schedule II)	500 -4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	5 kgs or more mixture	<ul> <li>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</li> <li>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.</li> <li>2 or More Prior Offenses: Life imprisonment</li> </ul>	
Cocaine Base (Schedule II)	28-278 gms mixture		279 gms or more mixture		
Fentanyl (Schedule II)	40 -399 gms mixture		400 gms or more mixture		
Fentanyl Analogue (Schedule I)	10 -99 gms mixture		100 gms or more mixture		
Heroin (Schedule I)	100 -999 gms mixture		1 kg or more mixture		
LSD (Schedule I)	1 -9 gms mixture		10 gms or more mixture		
Methamphetamine (Schedule II)	5 -49 gms pure or 50 -499 gms mixture		50 gms or more pure or 500 gms or more mixture		
PCP (Schedule II)	10 -99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture		
PENALTIES					
Other Schedule I & II drugs (and any drug	Any amount	<ul> <li>First Offense: Not more that 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</li> <li>Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not</li> </ul>			
product containing Gamma Hydroxybutyric Acid)					
Flunitrazepam	1 gm or more	an individual			
(Schedule IV) Other Schedule III drugs	Any amount	<b>First Offense</b> : Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.			
Flunitrazepam (Schedule IV)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual			

All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Less than 30 mgs	<b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	<ul> <li>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</li> <li>Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</li> </ul>

# Federal Trafficking Penalties – Marijuana

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 years, not more than life	Not less than 20 years, not more than life
		If death or serious injury, not less than 20 years, not more than life	If death or serious injury, mandatory life
		Fine not more than \$4 million if an individual, \$10 million if other than an individual	Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	Not less than 5 years, not more than 40 years	Not less than 10 years, not more than life
		If death or serous injury, not less than 20 years, not more than life	If death or serious injury, mandatory life
		Fine not more than \$2 million if an individual, \$5 million if other than an individual	Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs	Not more than 20 years	Not more than 30 years
	hashish; 50 to 99 kg mixture more than 1 kg of	If death or serious injury, not less than 20 years, not more than life	If death or seroius injury, mandatory life
	hashish oil; 50 to 99 plants	<ul> <li>Fine \$1 million if an individual,</li> <li>\$5 million if other than an individual</li> </ul>	Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg	Not more than 5 years	Not more than 10 years
	mixture	<ul> <li>Fine not more than \$250,000,</li> <li>\$1 million other than</li> </ul>	Fine \$500,000 if an individual, \$2 million if other
Hashish	10 kg or less	si millon other than individual	than individual
Hashish Oil	1kg or less		

#### **Rehabilitation:**

Western University of Health Sciences will reasonably accommodate any student who volunteers to enter an alcohol or drug rehabilitation program, provided the reasonable accommodation does not impose undue hardship on Western University of Health Sciences. Reasonable accommodation could include a Medical Leave of Absence. However, Western University of Health Sciences is not obligated to offer an accommodation for any student who has violated any University policy that in Western University of Health Sciences' sole discretion merits termination of the relationship before asking for assistance. Western University of Health Sciences' will take reasonable measures to safeguard the privacy of the student concerning enrollment in an alcohol or drug rehabilitation program. If student enters into a state approved rehabilitation program, he/she shall sign an agreement with Western University of Health Sciences, which will include the following:

- 1 Enroll in and complete a University approved rehabilitation program at the student's expense.
- 2 Execute the appropriate release of medical information forms to the University in order to monitor the compliance with the rehabilitation program.
- 3 Ensure the treatment facility provides the University with the necessary documentation to establish compliance.
- 4 Abstain from any illegal drug misconduct.
- 5 Acknowledge that any future violation of Western University of Health Sciences drug prohibitions shall result in immediate dismissal.
- 6 Failure to comply with any provision of the agreement shall result in immediate dismissal.

## Where can students go for help?

Call the Employee Assistance Program (EAP) for Students through OptumHealth at (800) 234-5465. You may also visit OptumHealth's web site <u>www.liveandworkwell.com</u> and click the "register" button. If you would like to enter the site anonymously, go to <u>www.liveandworkwell.com</u> and click the "Click here to enter using only an Access Code" button on the right side. A field will appear and you can enter your Access Code, "westernu".

For urgent concerns, you may also call or meet with our on-site counselor:

**Pomona Campus Anna Couch, MA, MFT** Phone: 909-469-8496 Pager: 626-932-2575

#### **Office Location and Hours**

Health Sciences Center (HSC), Room #107 Tuesday: 2:30 – 7:00 p.m. Wednesday and Thursday: 11:30 a.m. – 2:45 p.m. Friday: 12:00 – 1:00 p.m. May also be seen off campus by calling: 909-860-1541

# Lebanon Campus

Lonny R. Bevill, LMFT Phone: 541-905-5423 Email: lonnybevillmft@aol.com

#### **Office Location and Hours**

Samaritan Professional Services Center, Suite A2 Wednesday: 12:00pm – 7:00 p.m.

#### **Drug Abuse & Addiction Information & Treatment Centers**

- OptumHealth's Employee Assistance Plan for Students: 1-800-234-5465
- Substance Abuse and Mental Health Services Administration: <u>http://findtreatment.samhsa.gov</u> or 1-800-662-4357
- All US and Canada Alcoholics Anonymous (AA) Meetings: http://www.usrecovery.info/AA/
- All US and Canada Narcotics Anonymous (NA) Meetings: http://www.usrecovery.info/NA/

# **Policy Distribution Procedures**

Western University of Health Sciences' Drug-Free Workplace Policy will be distributed to all students on an annual basis using the following procedure:

• Students will receive a copy of the Drug-Free Workplace Policy at the time of initial enrollment and at the beginning of every fall semester thereafter via the fall registration process. The registration agreement signed by every student will acknowledge receipt of the Drug-Free workplace policy.