

Title: Drugs and Alcohol on Campus**Effective Date:** 04/24/2023**Applies to:** University wide

Statement: The Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act and its amendments require all federal grant recipients to certify a drug-free environment. It is the policy of Western University of Health Sciences (WesternU) to comply with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act (DFSCA) and its amendments (DFSCA). The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act and its amendments requires WesternU to adopt and implement a program to prevent the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or alcohol by employees and students on WesternU property, at WesternU sponsored activities or events, and to offer anti-drug and alcohol abuse programming.

Purpose: To comply with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act and its amendments of 1989.

Related Policy Information

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act and its amendments requires WesternU to adopt and implement a program to prevent the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or alcohol by employees and students on WesternU property, at WesternU sponsored activities or events, and to offer anti-drug and alcohol abuse programs.

"Illegal Drugs" refers to "Controlled Substances" as defined in Schedules I through V, section 22 of the Controlled Substances Act (21 U.S.C. Section 812); California Health and Safety Code Section 11054-11058; and Oregon Revised Statutes ORS 475.035.

WesternU Drug and Alcohol Abuse Prevention Program

These federal regulations also require WesternU to distribute annually to students and employee's information which outlines the following:

- I. The [health risks](#) associated with alcohol and drug use and abuse;
- II. [Alcohol and drug abuse resources](#) for employees and students;
- III. [Policies on alcohol and other drugs](#);
- IV. [Information on state, municipal and federal laws, and sanctions](#); and
- V. [University standards and Sanctions](#) that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of its on-campus or off-campus activities.

Annual Notification

WesternU will continue its efforts to maintain a drug and alcohol-free environment by adhering to this policy and providing a drug and alcohol awareness program. In compliance with the Drug Free Schools and Campuses certification, WesternU will provide information to the campus community concerning the federal and state laws regarding substance abuse and data on the uses and effects of commonly used substances.

Students will receive this information in the University Catalog on an annual basis and are required to attest to receiving the information.

Human Resources will provide employees with a copy of this policy, which includes the above information, as the required annual notification.

Health Risks Associated with Alcohol and Drug Use and Abuse

General Health Risks: The unlawful or unprescribed use of controlled substances and/or alcohol consumption while on the job or on university property can seriously injure the health of fellow employees and students; adversely impair the performance of their responsibilities; and endanger the safety and well-being of fellow employees, students, and members of the public. WesternU urges employees and students engaged in the illicit use of controlled substances and/or alcohol abuse to seek professional advice and treatment.

The following summaries describe some of the additional substance-specific risks associated with the use and misuse of alcohol and other substances.

- **Alcohol:** In small doses, alcohol has a tranquilizing effect on most people, and stimulates others. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors; lowered self-control often leads to aggressive behavior associated with those who drink. Alcohol consumption can also 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, cause brain damage and many other health, medical, and social issues.
- **THC and other cannabinoids: Marijuana:** Commonly known as “pot,” it is a plant with the botanical name of *Cannabis sativa* and *Cannabis indica*. It is the most commonly used illegal substance in the country.

Pot is almost always smoked but can also be ingested in foods such as brownies, cookies, or tea. Pot use can cause changes in muscle movement, delayed reaction times and decreased coordination. Most users experience an increase in heart rate and blood pressure, 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 and other stimulants):** Cocaine is a stimulant to the central nervous system, 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 is deadlier than other forms of cocaine.

Some of the symptoms of cocaine/crack abuse are personality changes, unexplained weight loss, excess sniffing and coughing, insomnia, seizures, increased heart rate, high blood pressure, depression, irritability, neglect of responsibility toward work, school, family and friends, and panic attacks.

- **Hallucinogens (LSD, mescaline, psilocybin):** 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 of the drug.

Physical reactions range from minor changes such as dilated pupils, a rise in temperature and heartbeat, to tumors. High doses can 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 they cannot be harmed. These delusions can be quite dangerous.

- **Heroin (other opioids):** Heroin is a narcotic that can be injected, sniffed, snorted, or smoked, 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 “pinpoint pupils,” drowsiness, 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 to heroin if the mother is using heroin and breastfeeding the infant.

- **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 long-lasting 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), scarred or collapsed veins, infections of the heart lining and valves, abscesses, pneumonia, tuberculosis, 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/Molly) Also known as XTC, X and E, Ecstasy is a mind-altering synthetic drug with hallucinogenic and speed like side effects. Often used at raves, it is taken to promote loss of inhibition, excitedness, euphoria, energy, and sexual stimulation. Ecstasy increases the amounts of serotonin in a person’s brain, which causes increased energy and cheerfulness; it also contains anti-coagulative properties, which can cause a person to bleed to death if 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/cramps, 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 it is 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 from injecting can arise 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**, unarousable 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, Home Boy, Blue Verve, **Grievous Bodily Harm**, Goop, and EZLay.

Alcohol and Drug Abuse Resources for Employees and Students

For Employees: Any employee who has a drug or alcohol problem is invited to anonymously contact the University’s Emotional Wellbeing Solutions (EWS) (OptumHealth at 1-800-234-5465) to obtain information about available assistance. Please refer to the Employee Handbook for more information regarding the university’s EWS. Additional information about what OptumHealth offers is available at www.liveandworkwell.com (On the "Access Anonymously" box, log on with the access code: westernu).

WesternU’s medical plan providers and life insurance carrier (UNUM) also offers substance abuse treatment programs. Please contact your appropriate health plan to access this resource:

- Blue Shield: CA – 877-263-9952
 - Outside CA – 877-655-2583
- Kaiser: CA – 800-900-3277
 - OR – 503-249-3434
- UNUM: 800-854-1446

The Harris Family Center for Disability and Health Policy (HFCDHP) provides academic accommodations for students that meet the requirements under the Americans with Disabilities Act (ADA), the ADA Amendments Act of 2008, Section 504, of the Rehabilitation Act of 1973, as amended, and applicable California, and Oregon state laws, which includes drug and alcohol dependence. Students can apply directly to CDHP, they do not need to disclose to their college to be referred. Considering this, the College could also refer the student to CDHP should the student self-disclose to a staff or faculty member. CDHP does not provide a 12-step program, groups, or treatment.

Employees who are concerned with substance abuse, information about treatment programs and rehabilitation is available on a confidential basis through the Office of Human Resources.

For Students: Call the Emotional Wellbeing Solutions (EWS) for Students through OptumHealth at (800) 234-5465. You may also visit OptumHealth’s web site www.liveandworkwell.com and click the “register” button. If you would like to enter the site anonymously, go to www.liveandworkwell.com 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 the Access Code, “westernu.”

Students also can make an appointment with an on-site counselor in-person or via tele/video counseling. Please visit <https://www.westernu.edu/students/services/counseling/> for information about meeting with one of the Pre-Authorized Providers.

Additional Resources

Drug Abuse & Addiction Information & Treatment Centers

- Substance Abuse and Mental Health Services Administration: <http://findtreatment.samhsa.gov> 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/>

Drug Prevention Resources:

- Substance Abuse & Mental Health Services Administration (SAMHSA): www.samhsa.gov/prevention
- National Institute on Drug Abuse (NIDA): www.nida.nih.gov
- National Families in Action (NFIA): www.nationalfamilies.org

Free Anti-Drug Information Sources:

- Partnership for a Drug-Free America (PDFA): www.drugfree.org
- American Council for Drug Education (ACDE): www.acde.org
- Drug Abuse Resistance Education (DARE): www.dare.com
- Students Against Destructive Decisions (SADD): www.sadd.org

Policies on Alcohol and Other Drugs

Federal and state laws subject persons involved in the use, sale, or distribution of illegal drugs to criminal action, including arrest, fines, and imprisonment. WesternU fully supports these laws by prohibiting the unauthorized use, possession or dissemination of alcohol, tobacco products, unauthorized or illegal drugs, or drug-related paraphernalia, illegal or abusive use of alcohol and other drugs by members of the university community, or at university-sponsored activities. These acts may have a detrimental effect on the university's commitment to provide continual excellence in teaching, research, and education. Students, faculty, and staff share the responsibility for creating attitudes conducive to eliminating the abuse of alcohol and other drugs within the university community.

The University has the right to take reasonable steps to determine if an employee or student is under the influence (when on-campus or when participating in university sponsored activities or events, including but not limited to off-campus clinical rotation sites (including requiring non-invasive testing)). Off campus alcohol abuse or illegal drug activity that could have an adverse effect on the individual's performance at WesternU or that could jeopardize the safety of others, University equipment, or the University's relations with the public, will not be tolerated and is strictly prohibited. Violations of this policy will be referred for review/action to the Office of Human Resources (for employees) or to the appropriate College (for students).

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 Office. The student need 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 provided which would allow the student to perform their duties safely.

Any student who violates this policy will be subject to disciplinary action, up to and including dismissal from their 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 Emotional Wellbeing Solutions (EWS) for Students for referral information. The University is not obligated, however, to retain any student whose academic or professional 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 overcome their dependency successfully, will not automatically receive a second opportunity to seek treatment and/or rehabilitation. WesternU is committed to maintaining a drug-free environment in compliance with applicable laws. The unlawful distribution, dispensing, possession, or use of controlled substances is prohibited on the University's campuses or any of its medical facilities. Violation of this policy may result in the appropriate disciplinary action up to and including dismissal.

The University adheres to the following non-exhaustive expectations:

1. *Illegal substance use:* The use, abuse, sale, manufacturing, possession and/or distribution of illegal drugs or drug paraphernalia is prohibited. A student or employee is deemed to have distributed illegal drugs or drug paraphernalia if they sell, exchange, share, jointly purchase, or otherwise make available any illegal drug or drug paraphernalia to another.
2. *Over the counter and prescription substance use:* The abuse, sale, and/or distribution of over the counter or prescription drugs (pharmaceuticals), or other substances is prohibited. This includes the use of the pharmaceutical/substance for anything aside from its intended purpose, by someone other than the intended recipient, and in a dosage other than what is prescribed. Any employee or student who sells, provides, shares, or otherwise makes available a pharmaceutical/substance to another person may be found responsible for violating this policy. A medical certification may be required, but should only list the need for accommodation, not a diagnosis.
3. *Medical marijuana possession:* WesternU does not allow any exceptions to this Policy including the possession or use of marijuana for medical purposes, even if such possession or use otherwise meets the qualifications of the California Compassionate Use Act, or any other current or future state legislation. Employees who believe they may be adversely affected by this Policy should contact the Office of Human Resources for more information. Students who believe they may be adversely affected by this Policy should contact their college's Student Affairs Professional for more information.
4. *Illegal activity by association:* Employees and students who are in the presence of such activities/items as outlined above shall also be subject to disciplinary action.
5. *Alcohol on campus:* Employees and students are not permitted to bring alcoholic beverages onto a WesternU campus with the intent to consume the beverage on

campus. There may be occasions, removed from the usual work setting, at which it is permissible to provide (e.g., a gift of unopened alcohol) and/or consume alcohol in moderation during university sponsored events and in accordance with the [Alcoholic Beverages on Campus policy](#).

Persons who are not employees of WesternU but who perform work for its benefit (such as independent contractors, temporary employees provided by agencies, visitors engaged in joint projects, etc.), are required to comply with this policy. Violation by such persons is likely to result in their being barred from the workplace, even for a first offense.

Anyone receiving funding from federal sources should carefully read the section on **“Special requirements for those working on or with federal contracts and grants.”**

Federal, State, and Municipal Laws and Ordinances

The following provisions of federal, state, and municipal law serve as the foundation for WesternU’s policy. (Note: this list is not a complete summary of relevant laws and ordinances, and the laws are abbreviated for general use and may not cover all situations. The following reflects California and state laws and ordinances, for other states please contact Office of Human Resources for supplemental state information)

1. It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (California Business & Professions Code 25658 & 25602) (Misdemeanor- ECC 4.110 (1&2), Oregon Revised Statute ORS 471.410, Linn County Chapter 5, Offenses 5.010).
2. It is a crime to sell alcohol without a valid liquor license or permit (California Business & Professions Code 23301 and Oregon Revised Statute ORS 471.405).
3. It is a crime for any person to drink any alcoholic beverage while driving a motor vehicle, to drink any alcoholic beverage while riding as a passenger in any motor vehicle or to drive under the influence of alcohol (California Vehicle Code 23220-23222 & 23152 and Oregon Revised Statutes ORS 813.010).

The following is a brief summary of the state and federal criminal sanctions that may be imposed upon someone who violates the alcohol and other drug policy at WesternU or elsewhere in the state of California or Oregon.

Federal Criminal Sanctions:

1. Federal laws prohibit illegal possession of controlled substances (U.S. Department of Justice and Drug Enforcement Administration)
 - a. First offense: prison sentences up to one year and a minimum fine of \$1,000.
 - b. Second offense: prison sentences up to two years and fined a minimum of \$2,500.
 - c. Third offense: prison sentences up to three years and fined a minimum of \$5,000.
 - d. Special sentencing provisions apply for possession of flunitrazepam (more commonly known as Rohypnol), including imprisonment of three years as well as the fine schedule referenced above.

2. Under federal law, the manufacture, distribution, dispensation, or possession with intent to manufacture, distribute or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD, and all mixtures containing such substances) is a felony.
 - a. First offense: (dependent upon the amount and type of substance) prison sentences of ten years to life (20 years to life if death or serious bodily injury is involved) and fines of up to \$10,000,000 for offenses by individuals (\$50,000,000 for other than individuals).
 - b. Second offense: (dependent upon the amount and type of substance) prison sentences of 20 years to life (life imprisonment if death or serious bodily injury is involved) and fines up to \$20,000,000 for offenses by individuals (\$75,000,000 for other than individuals).
3. Federal law also prohibits trafficking in marijuana, hashish, hashish oil and mixtures containing such substances.
 - a. First offense: prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals). Penalties vary depending upon the quantity of drugs involved.
 - b. Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).
4. The trafficking of medically useful drugs (e.g., prescription and over-the-counter drugs) is illegal. Outcomes for trafficking of such drugs is dependent upon which Schedule the substance falls under according to the Controlled Substances Act (CSA).

State of California Criminal Sanctions

The following reflects California laws and ordinances, for other states please contact Office of Human Resources for supplemental state information:

1. It is a crime for any person to smoke or ingest marijuana or any marijuana product while driving a motor vehicle, to smoke or ingest marijuana or any marijuana product while riding as a passenger in any motor vehicle or be under the influence of any illegal drug while driving a motor vehicle (California Vehicle Code 23220, 23221 & 23152).
2. Under California law, first offenses involving the sale or possession for sale of amphetamines, codeine, cocaine, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, and psilocybin (among others) are felonies carrying prison terms of up to four years (California Health & Safety Code 11054, 11055 & 11351).
3. If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year (California Health & Safety Code 11353.1).

4. It is unlawful to possess any pipe, or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking a controlled substance from Section 11054 and Section 11055 (California Health & Safety Code 11364).
5. Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, sale, possession for sale, offer for sale, offer to manufacture or conspiracy to commit at least one of those offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first (California Health & Safety Code 11470).
6. The illegal possession of most of the above-mentioned drugs may be felonies or misdemeanors depending upon amounts involved.
7. The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state. It is the intent of the Legislature in enacting this provision to enhance the penalties attached to this illicit and dangerous act (California Health & Safety Code 11352.1).

State of Oregon Criminal Sanctions

The following reflects Oregon state laws and ordinances, for other states please contact Office of Human Resources for supplemental state information.

1. A person under 21 years of age may not attempt to purchase, purchase, or acquire alcoholic beverages. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of age may not have personal possession of alcoholic beverages (ORS 471.430).
2. It is unlawful for any person to engage in the use of marijuana items in a public place (ORS 475B.381)
3. In Oregon, penalties for possession and distribution are determined by the Controlled Substance Schedule upon which the drug appears (ORS 475.035).
4. It is a class A felony for a person to manufacture or deliver a schedule I, II, or III controlled substance within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school attended by minors. In addition, the court may order the defendant to pay the cost of prosecution, and the defendant's vehicle used in the crime may be forfeited to the state. Finally, the defendant may forfeit any property used in the crime to the county in which the crime occurred (ORS 475.904).
5. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of professional practice, or except as otherwise authorized by [ORS 475.005](#) (ORS 475.752).

Local Ordinances

The following reflects California and Oregon state laws and ordinances, for other states please contact Office of Human Resources for supplemental state information:

1. Open Container: No person shall drink any malt, spirituous or vinous liquor containing more than one-half of one percent of alcohol by volume, upon any street, sidewalk or parkway, park, playground, Los Angeles Memorial Coliseum, or in any railroad depot or bus station, or in any public place or in any place open to the patronage of the public, which premises are not licensed for the consumption of such liquor on the premises (Los Angeles Municipal Code: Sec.41.27).
2. Open Container: (1) A person commits the offense of violation of the open container law in a motor vehicle if the person does any of the following:
 - (a) Drinks any alcoholic liquor in a motor vehicle when the vehicle is upon a highway.
 - (b) Possesses on one's person, while in a motor vehicle upon a highway, any bottle, can or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed.
 - (c) Keeps in a motor vehicle when the vehicle is upon any highway, any bottle, can or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed. The following apply to this paragraph:
 - (A) This paragraph applies only to the registered owner of any motor vehicle or, if the registered owner is not then present in the vehicle, to the driver of the vehicle. (ORS 811.170)

Note: Changes in state law regarding marijuana or other controlled substances do not negate applicable federal statutes.

University Sanctions

1. Employees found in violation of this Policy shall be referred to the Office of Human Resources for review. Possible sanctions include, but are not limited to warning, suspension, or termination.
2. Students found in violation of this Policy shall be referred to their College for review under the Standards of Student Conduct. Possible sanctions (including expulsion) are outlined in the Standards of Student Conduct section of the University Catalog.

Drug Conviction Notification and Imposed Sanctions

1. Any student must notify WesternU of any criminal drug statute conviction for a violation occurring on campus or on clinical rotation/internship no later than five (5) business days after such a conviction.
2. Within 30 days after receiving notice of a student conviction, WesternU 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

Employees with a substance abuse problem are urged to discuss the issue with their supervisor and seek confidential assistance from the Emotional Wellbeing Solutions (EWS), more information can be [found here](#).

Students with a substance abuse problem are urged to discuss the issue with their college and seek confidential assistance from one of the available counseling services [found here](#).

WesternU community members may also be required to complete a drug assistance or rehabilitation program. In the case of a student employee, referral will also be made to the appropriate Dean for assessment under applicable student conduct policies.

Rehabilitation

WesternU will encourage and reasonably accommodate any student who volunteers to enter an alcohol or drug rehabilitation program, provided the reasonable accommodation does not impose undue hardship on WesternU. Reasonable accommodation could include a Medical Leave of Absence. However, WesternU is not obligated to offer accommodation for any student who has violated any University policy that in WesternU's sole discretion merits termination of the relationship before asking for assistance. WesternU will take reasonable measures to safeguard the privacy of the student concerning enrollment in an alcohol or drug rehabilitation program. If student enters a state approved rehabilitation program, they shall sign an agreement with WesternU, 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 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 alcohol and illegal drug misconduct.
5. Acknowledge that any future violation of WesternU alcohol and drug prohibitions shall result in immediate dismissal.
6. Failure to comply with any provision of the agreement shall result in immediate dismissal.

Anyone receiving funding from federal sources should carefully read the section on [***“Special requirements for those working on or with federal contracts and grants.”***](#)

SPECIAL NOTE: WesternU is fully aware that marijuana possession and use is now legal in California and Oregon. However, as a recipient of federal funding, the University is required to comply with federal laws regarding the possession and use of Marijuana, including the Drug-Free Workplace Act of 1988. If the university does not comply with the federal laws related to marijuana, it jeopardizes the receipt of student financial aid and federal grants. Therefore, the University holds that marijuana possession and/or use of marijuana on any properties owned or operated by the University or at any approved University sponsored events, or the event is paid with funds from the university, is strictly prohibited.

Special Requirements for those Working on or with Federal Contracts and Grants

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and California's State Drug-Free Workplace Act of 1990 require that university employees directly engaged in the performance of work on a federal or state contract or grant must abide by this policy as a condition of employment, including all indirect charge employees, who perform support or overhead functions.

WesternU's Office of Sponsored Programs must be notified in writing within five (5) calendar days if an employee working on a government contract or grant supported by federal funds is convicted of any criminal drug statute violation occurring in the workplace or while on university business. The university is required to notify the federal contracting or granting agency within ten (10) 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 (30) calendar days of having received notice of such conviction.

Definitions

- **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 licensed physician for qualified patients and/or their primary caregivers. (California Health and Safety Code section 11362.5) This Act conflicts with federal laws governing controlled substances. WesternU 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 WesternU Employee's Professional Code of Conduct and the Student Conduct Code and the California Compassionate Use Act does not apply at WesternU.
- **Controlled Substance:** Is defined in Schedules I through V of the [Controlled Substances Act 21, U.S. Code 812](#), as amended, and includes, but is not limited to, such substances as marijuana (for any use), heroin, cocaine, barbiturates, amphetamines, and other narcotics.

Legislation:

United States Code 21, Sections 811, 844, 853, 881

[34 CFR 86.100](#)

[Federal Drug Free Workplace Act of 1988](#)

[Drug-Free Schools and Communities Act Amendments of 1989](#)

[California Drug-Free Workplace Act of 1990](#)

WesternU Resources:

[Benefits and Services for Employees \(Human Resources\)](#)

[Counseling Services for Students \(University Student Affairs\)](#)

Related Policies:

[Emotional Wellbeing Solutions \(EWS\); Alcoholic Beverages on Campus](#)

Responsible Department: Office of Human Resources

Policy Contact: Employee Relations Manager

Email: EmployeeRelations@westernu.edu