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DRUG-FREE WORKPLACE POLICY -

California

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) 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 or local health, law enforcement, or other appropriate agency.

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".

Some of the symptoms of cocaine/crack abuse are: personality changes, unexplained weight loss, excess sniffing 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 of 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 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, 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, **G**rievous **B**odily **H**arm, 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	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. 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. 2 or More Prior Offenses: Life imprisonment
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 product containing Gamma Hydroxybutyric Acid)	Any amount	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. 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 an individual		
Flunitrazepam (Schedule IV)	1 gm or more			
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
Flunitrazepam (Schedule IV)	30 to 999 mgs			

All other Schedule IV drugs	Any amount	First Offense: 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	Second Offense: 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	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties – Marijuana

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> ☐ Not less than 10 years, not more than life ☐ If death or serious injury, not less than 20 years, not more than life ☐ Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> ☐ Not less than 20 years, not more than life ☐ If death or serious injury, mandatory life ☐ 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	<ul style="list-style-type: none"> ☐ Not less than 5 years, not more than 40 years ☐ If death or serious injury, not less than 20 years, not more than life ☐ Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> ☐ Not less than 10 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
Marijuana	<p>more than 10 kgs hashish; 50 to 99 kg mixture</p> <p>more than 1 kg of hashish oil; 50 to 99 plants</p>	<ul style="list-style-type: none"> ☐ Not more than 20 years ☐ If death or serious injury, not less than 20 years, not more than life ☐ Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> ☐ Not more than 30 years ☐ If death or serious injury, mandatory life ☐ Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> ☐ Not more than 5 years ☐ Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> ☐ Not more than 10 years ☐ Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1kg or less		

Drug Trafficking Laws in California

Drug distribution or trafficking laws penalize the selling, transportation, and illegal import of unlawful controlled substances, such as marijuana, cocaine, heroin, methamphetamines, and other illegal drugs. The punishment for drug trafficking can vary widely depending on several factors including the type and amount of drugs involved, the type of drugs, geographic area of distribution, and whether children were targeted. Sentences for drug distribution and trafficking can generally range from 3-5 years to life in prison.

Drug trafficking/distribution is a felony (<http://criminal.findlaw.com/criminal-law-basics/felonies.html>), and is a more serious crime than drug possession (<http://criminal.findlaw.com/criminal-charges/drug-ossession.html>). If you are found in possession of drugs, you could be charged with trafficking if police believe you intend to sell them. If you are found with a large amount of drugs or cash at the time of your arrest, it is likely you will be facing drug distribution charges.

Drug distribution or trafficking also applies to the illegal distribution of prescription drugs, such as pain killers or sleeping pills. The illegal distribution of prescription drugs often involves hydrocodone products and pharmaceutical opiates.

Drug Trafficking & Controlled Substances

When a state or federal government classifies a substance as “controlled,” it generally means that the use and distribution of the substance is governed by law. Controlled substances are often classified at different levels or “schedules” under federal and state statutes. For instance, marijuana is listed as a “Schedule I controlled substance,” cocaine is listed under Schedule II, anabolic steroids under Schedule III, under the federal Controlled Substances Act (<http://codes.lp.findlaw.com/uscode/21/13/I/B/812>).

Federal, State Drug Trafficking Charges

Both federal and state laws come into play on drug trafficking cases. There is a multitude of federal drug laws on the books, plus each state also has its own set of drug laws. Many state laws are modeled after the federal laws and provide minimum sentencing standards for offenders. Lawmakers generally pass these laws to deter the major drug cartels, but more often it is the lower level dealers that get prosecuted. Indeed, the controversy around drug trafficking laws is that a petty drug dealer can often face a longer sentence than violent criminals.

The Penalties for Drug Trafficking in California

Drug trafficking is a serious offense in California punishable under Sec. 11379 of the California Penal Code of 2002. The crime is defined under California Health and Safety Code Section 11352 which is associated with the acts of transporting, selling, furnishing, administering, selling or distributing illegal substances or offering to transport, import, sell, furnish, administer or even an attempt to import or transport any controlled substance into the state. The crime is considered a felony that carries a prison sentence of up to five years.

In addition to the usual prison term, the penalty may be meted with a heavier penalty, steeper fines, asset forfeiture and mandatory registration as a narcotics offender under the following circumstances:

- when the offender is found to transport drugs or controlled substances considered a felony under the Controlled Substance Act;
- when the offender was caught transporting drugs or controlled substances in highly restricted areas like public schools;
- when there are minors involved;
- when the offender has prior criminal records; and
- other related offenses that may magnify the crime.

The person guilty of drug trafficking in California must be proven in possession for transport of controlled substances for the ultimate purpose of selling or distributing the said substances or drugs rather than personal use. California drug conviction carries extreme punishment that can also include steep fines, asset forfeiture and registration as a narcotics offender. Any prior criminal records will always be a factor in determining penalties. Moreover, with the addition of California’s Three Strike Law, repeat offenders will receive longer prison sentence and conviction for the third time may result to life sentence. However, for cannabis, possession of less than 28.5 grams is considered a misdemeanor.

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 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 your Access Code, "westernu".

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

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

Drug Abuse & Addiction Information & Treatment Centers

- OptumHealth's Employee Assistance Plan for Students: 1-800-234-5465
- 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/>

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.