



Drug & Alcohol Abuse Prevention Program

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Section 1: Standards of conduct regarding unlawful possession or distribution of illicit drugs and abuse of alcohol by students and employees

Policy Disclosures:

It is the desire and obligation of SCUHS to provide a safe, healthful, and conducive educational environment by maintaining a drug abuse free atmosphere. It will be the policy of the University that it will not tolerate the unlawful or unauthorized manufacture, sale, possession, distribution, use or being under the influence of a controlled substance or alcohol while on University property or in any of its authorized programs whether on or off campus.

In keeping with the United States Department of Education statutory requirements of the Drug-Free Schools and Communities Act Amendments of 1989, as found in Public Law 101-226, that as a condition of receiving funds or any other form of financial assistance under any federal program, the University certifies that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

Any violation of this policy will result in immediate disciplinary action, up to and including discharge or expulsion.¹

The University, consistent with federal, state and local laws, prohibits the unlawful possession, use or distribution of illicit drugs and abuse of alcohol on its property or as part of any of its activities whether on or off campus. The University will impose sanctions on students or employees that are caught in the act of or been proven to be guilty of abusing drugs or alcohol on University property. The sanctions will be in keeping with the University regulations on Rules of Conduct for employees (see Volume III of the *SCUHS Policy Manual*) and Disciplinary Standards for students (see Volume VI of the *SCUHS Policy Manual*). This will include actions that can lead to suspension, dismissal, or termination with referral for prosecution.²

Controlled Substances:

SCU understands all drugs listed in the United States Code 21, Section 812, Schedules I-V to be controlled substances; including, but not limited to:

1. Opiates and opium derivatives (such as heroin, morphine, codeine);
2. Hallucinogenic substances (such as marijuana, LSD, phencyclidine, peyote);
3. Depressants (such as methaqualone, barbiturates);
4. Stimulants (such as amphetamines, methamphetamines);
5. Benzodiazepines (such as Valium, Librium);
6. Coca leaf derivatives (such as cocaine, “free base” or “crack” cocaine); and
7. All of their mixtures, derivatives, preparations, compounds, isomers, esters, ethers and salts.

¹ *SCU Policy Manual* Vol. 2, § 2.2.1.1.

² *SCU Policy Manual* Vol. 2, § 2.2.1.1.2.

All drugs that are prescribed by a licensed physician for medical purposes are not included in the drug abuse program unless the prescription is in itself abused and affects the employee or student while on University property; however, the use or possession of medically prescribed marijuana is excluded from this exception and consequently is not allowed on University property in compliance with United States federal law.

Alcoholic beverages may be allowed on University property or at any University related functions whether on or off campus as long as it is in keeping with the Policy on Alcoholic Beverages on Campus and is not abused.³

University Employee Drug and Alcohol Use (Drug Free Workplace):

It is SCUHS' and ADP

TotalSource's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner.

In keeping with the United States federal government requirements of the Drug-Free Workplace Act of 1988 as found in Public Law 100-690 and in keeping with Chapter 5.5 entitled, "Drug-Free Workplace," as found under Division 1 of Title 2 of the California Government Code, and as a condition for receiving federal, state contractual funds or grants, SCUHS employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance while on SCUHS premises and while conducting business-related activities off SCUHS premises. The legal use of legally obtained prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. In addition to the above, employees who drive any vehicle for University business must immediately report arrests for drugs or DUI, either on or off duty, to their supervisor.⁴

In further compliance with the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify SCUHS and ADP TotalSource of a criminal conviction for drug-related activity occurring in the workplace or off University premises while conducting SCUHS business. A report of a conviction must be made to Human Resources within five days after the conviction. The term "conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence or both by any judicial body charged with responsibility to determine violations of state or federal criminal drug statutes. The University is obligated to notify the appropriate federal contracting agency within 10 days of receipt of notice of an employee conviction.

³ *SCU Policy Manual* Vol.2, § 2.2.1.1.2.1

⁴ *SCU Policy Manual* Vol.3, § 3.3.9

Violations of the University's Drug and Alcohol Use policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.⁵

To ensure orderly operations and provide the best possible work environment, SCUHS and ADP TotalSource expect employees to follow rules of conduct that will protect the interests and safety of all employees and the organization including – but not limited to:

- Not working under the influence of alcohol or illegal drugs; and
- Not possessing, distributing, selling, transferring, or using alcohol or illegal drugs or abusing a prescription drug in the workplace, while on duty, or while operating employer owned vehicles or equipment.
- Not complying with a request to consent to a required drug or alcohol test.⁶

Faculty Professional Conduct:

Faculty shall maintain an attitude of professionalism at all times, but particularly in the preparation, presentation, and conduct of teaching and other duties. Specifically, they shall arrive promptly for classes, display proper appearance and conduct, utilize institutional materials and equipment appropriately, demonstrate a cooperative attitude towards their students and colleagues, and attend all scheduled meetings punctually. Moreover, faculty shall not be under the influence of or use alcoholic beverages, drugs, or other substances in such a manner as may detract from, interfere with, or impair their total professional performance; shall have syllabi, examinations, grades, scientific papers, and other reports and materials filed with the Vice President for Academic Affairs according to schedule, and posted appropriately; shall hold appropriate California licenses or be in the active pursuit of same; and shall maintain eligibility for professional liability insurance.⁷

Student Code of Ethics:

SCUHS is committed to providing a campus that is safe and secure, and that allows students to develop as professional individuals and responsible citizens. Students are expected to behave in ways that are respectful of the rights of all members of the SCUHS community to learn, work, practice and teach. The Student Code of Ethics is meant to address any student behaviors that disrupt or detract from the goals of the University. To learn more about the principles guiding the Code of Ethics and Judicial Process at SCUHS, please consult the Judicial Handbook.

⁵ *SCU Policy Manual* Vol. 2, § 3.3.9

⁶ *SCU Policy Manual* Vol. 3, § 3.3.11

⁷ *SCU Policy Manual* Vol. 2, § 4.8.2.1

Students are expected to maintain themselves at all times in a manner befitting a professional institution. Unprofessional conduct at the University will not be tolerated. Students should realize that their enrollment at SCUHS is a privilege, not a right, and carries with it obligations with regard to conduct, not only inside but also outside the classrooms. In addition, students are subject to the laws governing the community, as well as the rules and regulations of the University.

Students are also expected to observe the standards of professional conduct, dress, and appearance approved by the University and the profession. Personal conduct and appearance are outward expressions of character. The right to exclude students whose behavior or appearance is undesirable, unprofessional or prejudicial to the University's interest is a right reserved by SCUHS.

All students are provided with a copy of this Code of Ethics and Student Judicial Process upon matriculation, and are expected to be familiar with its contents. Additionally, the *SCUHS Policy Manual* is available in the Seabury Learning Resource Center.

A student may be expelled for unsatisfactory conduct, academic dishonesty, or for any other cause if the student's conduct is considered to be prejudicial to the interest of the University or the integrative health care professions through the University's Student Judicial Process. In addition, students may be subject to arrest by local, state or federal agencies for such violations.⁸

Specifically, students are expected to adhere to the University's Alcohol and Drug Policy covered in this document. Failure to comply with the expectations set herein will result in disciplinary actions.⁹

Serving Alcohol at University Sponsored Events:

SCUHS recognizes the need for University departments and student organizations to raise money for their use through activities such as dances, dinners, entertaining campus visitors, or other fundraising events where the sale and/or consumption of alcoholic beverages is appropriate.

To support this need, SCUHS shall allow, upon approval, student body organizations, University departments, and outside groups to engage in the sale or dispersal of alcoholic beverages for the activities mentioned above. All individuals or groups not affiliated with the University shall not be allowed to bring or serve alcoholic beverages on campus unless they have liquor liability insurance coverage.

The University also recognizes that by allowing alcoholic beverages to be served or dispensed on campus property, the University may be held liable for damages and/or injuries

⁸ *SCU Policy Manual*, Vol. 6, § 6.5.1.1

⁹ *SCU Policy Manual*, Vol. 6, § 6.5.1.3

either on or off campus that might arise due to over indulgence of alcohol consumption. Therefore, SCUHS shall limit the sale or consumption of alcoholic beverages on University property to beer and wine only. The University reserves the right to control the quantity of beverages dispensed to individuals through established University policies and procedures.¹⁰

Legal Drinking Requirements:

In compliance with the applicable laws of the State of California and the ordinances of Los Angeles County, the University will observe the following:

- 1.The legal drinking age in California is 21. The purchase, possession and consumption of alcoholic beverages on University property is prohibited for those under that age.
- 2.No person under the legal drinking age shall misrepresent his age or identity in any manner including, but not limited to, using any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
- 3.Proof of age must be presented when requested by persons responsible for dispensing alcoholic beverages.
- 4.No alcoholic beverage shall be provided to any person who is in a state of noticeable intoxication.¹¹

Approval Process:

Any persons, departments, or student body organizations of the University or outside groups who plan to sponsor or organize an event with the intention of selling or serving alcoholic beverages shall observe the following:

- 1.Obtain and receive approval for a Facilities Usage Permit from the Director of Auxiliary Services. This Facilities Permit shall state whether or not alcoholic beverages will be served or sold.
- 2.After the Facilities Permit has been approved, and before applying for a Temporary Liquor License, the sponsor must obtain from the President an approved letter of authorization to sell alcoholic beverages on University property. Before seeking Presidential approval, student and/or student clubs and organizations must receive written approval from the Office of Student Affairs.
- 3.The sponsoring party must then present the letter of authorization to the State Alcoholic Beverage Control Board (ABC) to apply for an approved Temporary Liquor License.¹²

¹⁰ *SCU Policy Manual*, Vol. 2, § 2.2.1.1.5

¹¹ *SCU Policy Manual*, Vol. 2, §2.2.1.1.5.1

¹² *SCU Policy Manual*, Vol. 2. § 2.2.1.1.5.2

ABC License Procedures:

Once approval is obtained, the sponsor must contact the Student Affairs Office to obtain an ABC License. Once an ABC License is obtained, the Director of Auxiliary Services shall be contacted, who shall ensure that the license is displayed at the event.

It is the responsibility of the Office of Student Affairs to supervise all alcoholic events to ensure the safety of the SCUHS community. Any student, faculty or staff not in compliance with the University's Serving Alcohol at University Sponsored Events or who otherwise violated University policy can be charged with misconduct.¹³

Additional Guidelines:

1. Alcoholic beverages are to be consumed only in the designated room(s) or enclosed boundaries approved for the event.
2. Proof of legal drinking age will be required at the bar.
3. Only those beverages served and provided by the sponsoring organization of an event are to be consumed. Individuals are not permitted to bring their own beverages to an event.
4. Drinking games will not be allowed.
5. No person may purchase or obtain alcohol for another person unless the person is present at the time of service, regardless of whether they are of legal drinking age.
6. Soft drinks and food will be made available for the duration of any activity where alcoholic beverages are served.
7. The University will discourage the inappropriate use of alcohol by any member of its community.¹⁴

¹³ *SCU Policy Manual*, Vol. 2, § 2.2.1.1.5.3

¹⁴ *SCU Policy Manual*, Vol. 2, § 2.2.1.1.5.4

Section 2: Applicable Legal Sanctions

Federal Regulations and Penalties associated with Illegal Substances

- 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000 or both.
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000 or both.
- Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000 or both, if:
 1. 1st conviction and the amount of crack possessed exceeds 5 grams.
 2. 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
 3. 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853 (a)(2) and 881 (a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881 (a)(4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a) Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g) Ineligible to receive or purchase a firearm. Miscellaneous Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

Source: U.S. Department of Justice Drug Enforcement Administration Publication: Drugs of Abuse, 1989 Edition.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

Methamphetamine (possession)		
Up to ½ oz.	Class A misdemeanor	6 months/\$1000 fine
½ - 2 oz.	Class C felony	1-15 years/\$15,000 fine
2 oz. or more	Class A felony	3 years – life/
Methamphetamine (sale)		
Up to 1/8 oz.	Class D misdemeanor	1-3 years/\$15,000 fine
1/8 – ½ oz	Class B Felony	1-25 years/\$35,000 fine
½ oz – more	Class A-II Felony	3 years – life/\$50,000 fine

Hallucinogens (possession)		
Less than 25 mg.	Class A misdemeanor	6 months/\$1,000 fine
25-125 mg.	Class C Felony	1-15 years/\$15,000 fine
125-625 mg.	Class B Felony	1-25 years/\$30,000 fine
625 mg. or more	Class A-II Felony	3 years-life/\$50,000 fine
Hallucinogens (sale)		
Less than 25 mg.	Class D Felony	1-23 years/\$15,000 fine
25-125 mg.	Class B Felony	1-25 years/\$30,000 fine
125 mg. or more	Class A-II felony	3 years-life/\$50,000 fine
Any amount w/ prior drug conviction	Class B felony	1-25 years/\$30,000 fine
Stimulants (possession)		
Less than 1 gm.	Class A misdemeanor	6 months/\$1,000 fine
1-5 gm.	Class C felony	1-15 years/\$15,000 fine
5-10 gm.	Class B felony	1-25 years/\$30,000 fine
10 gm. - more	Class A-II felony	3 years-life/\$50,000 fine
Stimulants (sale)		
Less than 1 gm.	Class D felony	1-3 yeas/\$15,000 fine
Narcotic Drugs (possession)		
Less than 1/8 oz	Class A misdemeanor	1-3 years/\$1,000 fine
1/8 – 1/2 oz.	Class C felony	1-15 years/\$15,000
1-2 – 2 oz.	Class B felony	1-25 years/\$30,000 fine
2 – 4 oz.	Class A-II felony	3 years-life/\$50,000 fine
4 oz. – or more	Class A-I felony	15 years-life/\$100,000 fine
Narcotic Drugs (sale)		
Less than 1/2 oz.	Class A misdemeanor	6 months/\$1,000 fine
1/2 oz/ - 2oz.	Class A-II felony	3 years-life/\$50,000 fine
2 oz. or more	Class A-I felony	15 years-life/\$100,000 fine
Narcotic Mixtures (possession)		
Less than 1 oz.	Class A misdemeanor	6 months/\$1,000 fine
1 oz. – 2 oz.	Class D felony	1-3 years/\$15,000 fine
2 oz. or more	Class C felony	1-15 years/\$15,000 fine
Narcotic Mixtures (sale)		
Any quantity	Class C felony	1-15 years/\$15,000 fine
Any quantity to a person under 21 years of age	Class B felony	1-25 years/\$30,000 fine
Cocaine (possession)		
Up to 1 mg.	Class A misdemeanor	6 months/\$1,000 fine
LSD (possession)		
Up to 1 mg.	Class D felony	1-3 years/\$15,000 fine
1-5 mg.	Class C felony	1-15 years/\$15,000 fine
5-25 mg.	Class B felony	1-25/\$30,000 fine
25 mg. or more	Class A –II felony	3 years-life/\$50,000 fine
LSD (sale)		

Up to 1 mg.	Class D felony	1-3 years/\$15,000
1-5 mg.	Class B felony	1-25 years/\$30,000 fine
2-25 mg.	Class A-II felony	3 years-life/\$50,000
Any amount w/ a prior drug conviction	Class B felony	1-25 years/\$30,000

California State Applicable Legal Sanctions – Health and Safety Code § 11350-11356.5

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a), the judge may, in addition to any punishment provided for pursuant to subdivision (a), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(c) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:

(1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.

(2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.

(3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.

11351. Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or

(c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years.

11351.5. Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base, which is specified in paragraph (1) of subdivision (f) of Section 11054, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

11352. (a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, "transports" means to transport for sale.

(d) This section does not preclude or limit the prosecution of an individual for aiding and abetting the commission of, or conspiring to commit, or acting as an accessory to, any act prohibited by this section.

11352.1. (a) The Legislature hereby 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 conduct.

(b) Notwithstanding Section 4321 of the Business and Professions Code, and in addition to any other penalties provided by law, any person who knowingly and unlawfully dispenses or furnishes a dangerous drug or dangerous device, or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code, or who knowingly owns, manages, or operates a business that dispenses or furnishes a dangerous drug or dangerous device or any material

represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code without a license to dispense or furnish these products, shall be guilty of a misdemeanor. Upon the first conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment. Upon a second or subsequent conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

11352.5. The court shall impose a fine not exceeding fifty thousand dollars (\$50,000), in the absence of a finding that the defendant would be incapable of paying such a fine, in addition to any term of imprisonment provided by law for any of the following persons:

(1) Any person who is convicted of violating Section 11351 of the Health and Safety Code by possessing for sale 14.25 grams or more of a substance containing heroin.

(2) Any person who is convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell 14.25 grams or more of a substance containing heroin.

(3) Any person convicted of violating Section 11351 of the Health and Safety Code by possessing heroin for sale or convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell heroin, and who has one or more prior convictions for violating Section 11351 or Section 11352 of the Health and Safety Code.

11353. Every person 18 years of age or over, (a) who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550 with respect to either (1) a controlled substance which is specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, (b) who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any such controlled substance, or (c) who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor, shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

11353.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) 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.

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, 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 two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means any premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means any mechanical amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in any slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

(6) "Child day care facility" has the meaning specified in Section 1596.750.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot

boundary limit be marked.

11353.4. (a) Any person 18 years of age or older who is convicted for a second or subsequent time of violating Section 11353, as that section applies to paragraph (1) of subdivision (f) of Section 11054, where the previous conviction resulted in a prison sentence, shall, as a full and separately served enhancement to the punishment imposed for that second or subsequent conviction of Section 11353, be punished by imprisonment in the state prison for one, two, or three years.

(b) If the second or subsequent violation of Section 11353, as described in subdivision (a), involved a minor who is 14 years of age or younger, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this section, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(c) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(d) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(e) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

11353.5. Except as authorized by law, any person 18 years of age or older who unlawfully prepares for sale upon school grounds or a public playground, a child day care facility, a church, or a synagogue, or sells or gives away a controlled substance, other than a controlled substance described in Section 11353 or 11380, to a minor upon the grounds of, or within, any school, child day care facility, public playground, church, or synagogue providing instruction in preschool, kindergarten, or any of grades 1 to 12, inclusive, or providing child care services, during hours in which those facilities are open for classes, school-related programs, or child care, or at any time when minors are using the facility where the offense occurs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted, or at any time when minors are using the facility where the offense occurs, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for five, seven, or nine years. Application of this section shall be limited to persons at least five years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

11353.6. (a) This section shall be known, and may be cited, as the Juvenile Drug Trafficking and Schoolyard Act of 1988.

(b) Any person 18 years of age or over who is convicted of a violation of Section 11351.5, 11352, or 11379.6, as those sections apply to paragraph (1) of subdivision (f) of Section 11054, or of Section 11351, 11352, or 11379.6, as those sections apply to paragraph (11) of subdivision (c) of Section 11054, or of Section 11378, 11379, or 11379.6, as those sections apply to paragraph (2) of

subdivision (d) of Section 11055, or of a conspiracy to commit one of those offenses, where the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, shall receive an additional punishment of three, four, or five years at the court's discretion.

(c) Any person 18 years of age or older who is convicted of a violation pursuant to subdivision (b) which involves a minor who is at least four years younger than that person, as a full and separately served enhancement to that provided in subdivision (b), shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years at the court's discretion.

(d) The additional terms provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(e) The additional terms provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(f) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(g) "Within 1,000 feet of a public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

11353.7. Except as authorized by law, and except as provided otherwise in Sections 11353.1, 11353.6, and 11380.1 with respect to playgrounds situated in a public park, any person 18 years of age or older who unlawfully prepares for sale in a public park, including units of the state park system and state vehicular recreation areas, or sells or gives away a controlled substance to a minor under the age of 14 years in a public park, including units of the state park system and state vehicular recreation areas, during hours in which the public park, including units of the state park system and state vehicular recreation areas, is open for use, with knowledge that the person is a minor under the age of 14 years, shall be punished by imprisonment in state prison for three, six, or nine years.

11354. (a) Every person under the age of 18 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550, who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, prepare for sale, or peddle (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, or who unlawfully sells, furnishes, administers,

gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor shall be punished by imprisonment in the state prison.

(b) This section is not intended to affect the jurisdiction of the juvenile court.

11355. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (13), (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug to any person, or who offers, arranges, or negotiates to have any such controlled substance unlawfully sold, delivered, transported, furnished, administered, or given to any person and who then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any such controlled substance shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of Section 1170 of the Penal Code.

11356. As used in this article "felony offense," and "offense punishable as a felony" refer to an offense prior to October 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after October 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

11356.5. (a) Any person convicted of a violation of Section 11351, 11352, 11379.5, or 11379.6 insofar as the latter section relates to phencyclidine or any of its analogs which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, who, as part of the transaction for which he or she was convicted, has induced another to violate Section 11351, 11352, 11379.5, or 11379.6 insofar as the latter section relates to phencyclidine or its analogs, shall be punished as follows:

(1) By an additional one year in prison if the value of the controlled substance involved in the transaction for which the person was convicted exceeds five hundred thousand dollars (\$500,000).

(2) By an additional two years in prison if the value of the controlled substance involved in the transaction for which the person was convicted exceeds two million dollars (\$2,000,000).

(3) By an additional three years in prison if the value of the controlled substance involved in the transaction for which the person was convicted exceeds five million dollars (\$5,000,000).

(b) For purposes of this section, "value of the controlled substance" means the retail price to the user.

Section 3: Health Risks Associated with Substance Abuse

Substance	Physical Dependence	Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal
Heroin	High	High	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, runny nose, chills and sweating, watery eyes
Morphine	High	High			
Codeine	Moderate	Moderate			
Methadone	High	High			
Other Narcotics: Percodan, Darvon, Talwin, Percocet, Opium, Demerol	High-Low	High-Low			
Barbiturates: Amytal, Nembutal, Phenobarbital, Pentobarbital	High- Moderate	High- Moderate	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benzodiazepines: Ativan, Diazepam, Librium, Xanax, Valium, Tranxene, Versed, Halcion	Low	Low			
Methaqualone	Moderate	Moderate			
GHB					
Rohypnol Other Depressants	Moderate	Moderate			
Cocaine	Possible	High	Increased alertness, increased pulse rate and blood pressure, loss of appetite, euphoria,	Agitation, increased body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamine	Possible	High			
Methamphetamine	Possible	High			
Ritalin	Possible	High			

Other Stimulants	Possible	High	excitation, insomnia		
Marijuana	Unknown	Moderate	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Occasional reports of insomnia, hyperactivity, decreased appetite
THC, Marinol	Unknown	Moderate			
Hashish	Unknown	Moderate			
Hashish Oil	Unknown	Moderate			
LSD	None	Unknown	Illusions and hallucinations, altered perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Unknown
Mescaline and Peyote	None	Unknown			
Psilocybin mushrooms	None	Unknown			
Ecstasy (MDMA)	Unknown	Unknown			
Phencyclidine (PCP)	Unknown	High			
Ketamine	Unknown	Unknown			
Other Hallucinogens	None	Unknown			
Testosterone	Unknown	Unknown	Virilization, testicular atrophy, acne, edema, gynecomastia, aggressive behavior	Unknown	Possible depression

Section 4: Available Drug and Alcohol Counseling

The University has also established a referral resource for those employees or students who wish to avail themselves to any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs. All inquiries are held in the strictest of confidence and will not affect an employee's job security or a student's participation in the University.

The University does not subsidize any costs associated with such referral services or treatment programs. An employee may use sick leave to which he or she is entitled for the purpose of entering and participating in an alcohol or drug rehabilitation program. Once sick leave has been used, the employee may request a leave of absence as covered in the University's Leave of Absence Policy.¹⁵

Student Specific:

To arrange for counseling, treatment, or rehabilitation programs, an individual needs to contact the Intercommunity Counseling Center at (562) 698-1272 or by calling their 24/7 emergency line at (562) 204-4180 or by visiting their website at iccwhittier.org. The University contracts with the Intercommunity Counseling Center for mental health and counseling needs and as such, counseling services are confidential to the extent permitted by law.

ICC provides individuals struggling with addiction to drugs and/or alcohol with individual therapy. Under traditional circumstances, the University covers the cost of the initial assessment by ICC if requested by the student. All additional services are at a cost of between \$50-\$135 and need to be paid either by the student's individual insurance or out-of-pocket.

If, in the opinion of ICC, in patient care is needed, the individual may be referred out to an appropriate facility. Any subsequent costs are payable exclusively by the student's insurance or out-of-pocket.

Depending on the nature of disclosure or the treatment, re-entry to the program may be assessed by the Vice President for Enrollment Services and Student Affairs as well as the Executive Director of Student Affairs. Consequently, conditions may be applied to individuals that are granted re-entry to their respective program of study.

Employee Specific:

To inform employees about important provisions of this policy, ADP TotalSource has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program (EAP) by calling

¹⁵ *SCU Policy Manual*, Vol. 2, § 2.2.1.1.3

(888) 231-7015. They may also wish to discuss these matters with their supervisor at SCUHS or the ADP TotalSource Employee Service Center at 800-554-1802 to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all SCUHS policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause SCUHS any undue hardship.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor at SCUHS or the ADP TotalSource Employee Service Center at 800-554-1802 without fear of reprisal.¹⁶

Both the Employee Assistance Program (EAP) and Employee Service Center can provide additional information concerning how the program works; however, the general guidelines are as followed:

- Following the receipt of a confirmed positive drug or alcohol test result, employees are placed on suspension. Your continued employment will be conditioned on your agreeing to be evaluated by the EAP and if determined to be necessary by the EAP to participate in a counseling, treatment, or rehab program.
- The EAP professional will make the determination regarding your qualification for return-to-duty, and both the frequency and duration of follow-up drug and alcohol testing.
 - You must sign and return the Last Chance Agreement along with EAP referral forms (more information provided by EAP) within five business days to the University
 - The forms must be faxed to EAP/Life Solutions @ 800-370-1116. The forms must also be send to your ADP DFWP program administrator.
 - The University must contact the EAP at 888-231-7015
 - You will then contact EAP and be sent for an appointment with one of the counselors.
 - ADP TotalSource employees have 3 FREE counseling sessions per year through the EAP.
 - Additional care beyond the EAP is not paid by the EAP, but through your insurance carrier or out of pocket
 - You must complete the contingency requirements, submitting verification to the EAP substance abuse program
 - **You must have a negative drug and/or alcohol test result before a qualification to return-to-duty will be issued by the EAP.**

¹⁶ *SCU Policy Manual*, Vol. 2, § 3.3.9

- You may be subject to discipline up and including discharge if all recommended treatment, counseling, and education are not completed.
- You may be required to participate in unannounced follow-up testing.
- If you test positive on any subsequent test, you will be subject to termination.

Confidentiality:

Information related to the services you obtain under the above mentioned program will be maintained confidentiality and will only be shared under the following circumstances: (1) You have provided written consent for the disclosure, (2) There is reasonable concern that you are a threat to the life or safety of yourself or others, and/or (3) If disclosure is required by law.

Section 5: Applicable disciplinary sanctions

As mentioned in Section 1, any violation of the policies and procedures put forth in this document will result in immediate disciplinary action, up to and including discharge or expulsion.

Section 6: Biennial review

On at least a biennial basis (every two years), the Vice-President for Enrollment Management & Student Services, the Executive Director of Student Affairs, the Vice President for Administration & Finance, and the Executive Director of Auxiliary Operations & Physical Plant will review the policies and procedures covered herein to determine their efficiency when compared against drug and alcohol issues affecting the University. The Vice-President for Enrollment Management & Student Services is charged with scheduling and conducting the review. Any of the above mentioned University officials may request that a review of the Drug and Alcohol Policy be reviewed sooner or on an ad hoc basis. These reviews will be formal and documented. In the event that any given review results in an augmentation or amendment to the Policy, University constituents will be made aware of the change and provided a copy of the updated document within 14 days of revision.