

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA  
ACADEMIC SENATE

ACADEMIC AFFAIRS COMMITTEE

REPORT TO

THE ACADEMIC SENATE

AA-002-190

Alcohol and Drugs Policy

Academic Affairs Committee

Date: September 2019

Executive Committee  
Received and Forwarded

Date: October 30, 2019

Academic Senate

Date: December 4, 2019  
First Reading

## **Background**

**Your Name:** Kenya Rampersant

**Your Email:** [kqrampersant@cpp.edu](mailto:kqrampersant@cpp.edu)

**Title of Referral:** Alcohol and Other Drugs Policy

**Names and Titles of proponents:** Kenya Rampersant, Senior Coordinator for Health Promotion and Wellness Services

**Keywords:** Alcohol, Other, Drugs, Policy, AOD, Marijuana, prop 64

**Is there a deadline by when this referral needs to be considered by the Academic Senate?:**  
No

**Deadline Date:**

**Justification for deadline:**

**Background:** In November 2016, the State of California passed the legalization of marijuana. There has not been an update to the Cal Poly Pomona Alcohol and Other Drugs Policy to reflect that proposition 64 does not apply at Cal Poly Pomona.

The university is required to uphold federal laws that prohibit use, distribution and consumption of marijuana by anyone of any age. The California State University, including Cal Poly Pomona, 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.

The update is needed in the "CA Law Governing Marijuana" section of the Cal Poly Pomona Alcohol and Other Drugs Policy.

**Recommended Resources:** Kenya Rampersant, Senior Coordinator for Health Promotion and Wellness Services and chair for the Alcohol & other Drugs Advisory Council

Andrea Lueskow, Health Educator & member of the Alcohol and other Drugs Advisory Council

**Attachment 1:**

[https://s3.amazonaws.com/files.formstack.com/uploads/2070179/36745860/530395299/approved\\_permanent\\_aod\\_policies\\_08-03-15\\_section508-rev.pdf](https://s3.amazonaws.com/files.formstack.com/uploads/2070179/36745860/530395299/approved_permanent_aod_policies_08-03-15_section508-rev.pdf)

**Attachment 2:**

[https://s3.amazonaws.com/files.formstack.com/uploads/2070179/36745907/530395299/ca\\_law\\_governing\\_marijuana.docx](https://s3.amazonaws.com/files.formstack.com/uploads/2070179/36745907/530395299/ca_law_governing_marijuana.docx)

**Discussion**

This was a frustrating situation, because federal and state laws don't match. Things we would like to do, like allowing research on hemp, we can't do. We were also a bit surprised at how restrictive our existing policies are. However, we did see good reason to comply with federal policy.

## Recommendations

### ALCOHOL AND OTHER DRUGS POLICY

Alcohol and Other Drugs Policy

Administrative 1.5

August 3, 2015

Alcohol, Tobacco and Other Drugs Advisory Council (ATODAC) Campus Community

Chair, ATODAC

Supersedes AOD Policy adopted January 21, 1998; revised March 5, 1999; revised January 31, 2013 ,

Revised, October, 2019

### POLICY STATEMENT

The unlawful possession, use, manufacture, distribution, or sale of illicit drugs or drug-related paraphernalia, tobacco or alcohol, and the misuse of legal pharmaceutical drugs or alcohol by any faculty, staff, recognized auxiliary employee, student, registered student club or organization, campus entity, visitor or visiting organization is strictly prohibited in the workplace, on University premises, at University activities, or on University business, on campus or off. Any faculty, staff, student or student organization, campus entity, visitor or visiting organization that violates this policy is subject to disciplinary action as set forth in the following and/or will be referred to the appropriate authorities for legal prosecution.

### DESCRIPTION OF UNIVERSITY POLICY

#### Purpose

This policy is created to comply with the Drug-Free Workplace and Drug-Free Schools & Communities Act Amendments of 1989 (Public Law 101-226), which requires the University to adopt and implement a program to prevent the unlawful use and/or abuse of drugs or alcohol by faculty, staff and students and to set forth standards to provide a safe, healthy, and productive community setting for work and study.

The purpose of this policy is to describe University standards of conduct concerning alcohol and drugs, communicate the health risks and other legal and disciplinary consequences of failing to adhere to University standards of conduct, and provide information as to available assistance and resources.

#### Philosophy

California State Polytechnic University, Pomona (University or Cal Poly Pomona), as an institution of higher education, seeks to create and nurture a campus community where healthy lifestyle choices are fostered and promoted. The University accepts responsibility for maintaining and advancing a safe and productive educational and work environment free from both the illegal and the harmful use of alcohol and drugs. The University prohibits the illegal use of alcohol or other drugs, takes positive steps to reduce the abuse of alcohol and other drugs, and will not promote or condone their misuse.

#### Definitions

The term "alcohol" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, and which contains more than one-half of 1 percent of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances (Business and Professions Code, Section 23004).

The term "illicit drug" includes any dangerous drug, restricted drug, or narcotic as those terms are used in California statutes, and all substances regulated under federal law through the Controlled Substances Act, including but not limited to marijuana, cocaine derivatives, "crack," heroin, amphetamines, barbiturates, LSD, PCP, and substances typically known as "designer drugs" such as "ecstasy."

See Appendix A for more definitions of terms found in this policy.

## **Standards of Conduct**

The unlawful possession, use, manufacture, distribution, or sale of illicit drugs or drug-related paraphernalia, tobacco or alcohol, and the misuse of legal pharmaceutical drugs or alcohol by any faculty, staff, recognized auxiliary employee, student, registered campus organization, campus entity, visitor or visiting organization is strictly prohibited in the workplace, on University premises, at University activities, or on University business, on campus or off.

California's Compassionate Use Act conflicts with federal laws governing controlled substances. The California State University, including Cal Poly Pomona, receives federal funding in the form of student financial aid and grants that would be in jeopardy if those federal laws did not take precedence in our policies. Thus, the manufacture, possession, or use of marijuana on campus, or off campus while on University business or participating in University sponsored function violates the CSU Student Conduct Code. The California Compassionate Use Act does not apply at the California State University or Cal Poly Pomona.

### **Authorized Use of Alcohol**

The responsible use of alcohol must be in compliance with all federal, state, and local laws.

While Cal Poly Pomona and its recognized auxiliary organizations are each separate legal entities, this policy addresses shared legal obligations, guidelines, and procedures regarding the use of alcohol at Cal Poly Pomona, the Cal Poly Pomona Foundation, Inc., and Associated Students, Inc.

The Board of Trustees of the California State University approved the use and sale of beer and wine on campuses in the 1970's and delegated authority to the President to regulate its use in compliance with all applicable provisions of law. The President, pursuant to Title V, California Code of Regulations 41301, issued the following Presidential Order:

"Possession or consumption of alcoholic beverages on campus by persons under the age of 21 is strictly prohibited. The use of alcoholic beverages by persons 21 years of age or older is permitted only in student residential areas as designated by the Director of University Housing Services or the Director of the Cal Poly Pomona Foundation, Inc. Kegs of alcoholic beverages, regardless of type or size, are prohibited in student residences. Alcoholic beverages may be purchased in designated food service operations, and may be served at specified events upon the approval of the Vice President for Student Affairs."

Refer to University Housing Services webpage: <http://www.cpp.edu/~housing/forms-policies/license-agreement.shtml> and Foundation Housing website: <http://foundation.csupomona.edu/village/forms.aspx> for current policies

In 2005, The Board of Trustees of the California State University prohibited sales of alcoholic beverages in conjunction with any athletic events held in University owned or operated facilities (Executive Order 966, <http://www.calstate.edu/eo/EO-966.pdf>).

The following campus entities are authorized by the President to serve alcoholic beverages in accordance with all local and state laws, under regulation of the California Department of Alcoholic Beverage Control (ABC), and in compliance with all CSU executive orders.

1. The Cal Poly Pomona Foundation, Inc. in ABC licensed restaurants and events.
2. The Cal Poly Pomona Foundation, Inc. on the balance of the campus subject to specified guidelines (see Appendix B).
3. University entities or departments in the context of academic or educational purposes as approved by the President or designee.
4. Official University-sponsored events as approved by the President or designee.

Alcoholic beverages served on campus by or for faculty, staff or students at informal gatherings or departmental activities are strictly prohibited, unless approved by the President or designee. All on-campus registered student club and organization events must be alcohol-free. Official University-sponsored events on campus with 25% or more student attendees must be alcohol-free unless approved by the President or designee.

The possession, manufacturing, distribution, sale, and use of alcohol in campus facilities, designated workplace, or off-campus at University sponsored activities must have approval by the appropriate administrator as outlined under the Enforcement section of this policy.

#### Advertising, Marketing and/or Sponsorship

In 2005, The Board of Trustees of the California State University limited alcohol advertising to beer and wine on CSU campuses. Cal Poly Pomona prohibits sponsorship of any University activity or event by alcohol beverage manufacturers and/or the marketing or advertising of alcoholic beverages on the campus except under the following circumstances.

1. In authorized food service facilities, in accord with all local and state laws, under regulation of the California Department of Alcoholic Beverage Control, and in compliance with CSU specified guidelines (Executive Order 966), or
2. In the Collins College, when associated with the wine, beer and spirits program or official College-sponsored events, and in compliance with CSU specified guidelines (EO 966), or
3. In very limited circumstances, approved by the President or designee, where the University realizes some other substantial benefit, and in compliance with CSU specified guidelines (EO 966).

Advertisements shall not solely feature alcohol as an inducement to participate in any event. No reference shall be made to the amount of alcoholic beverages that will be available. The availability of nonalcoholic beverages must also be advertised.

#### **AFFECTED AND RESPONSIBLE ENTITIES**

Any faculty, staff, recognized auxiliary employee, student, registered campus organization, campus entity, visitor or visiting organization must comply with this policy. The University's Alcohol, Tobacco and Other Drugs Advisory Council is responsible for the distribution of this policy and for working with appropriate educational, intervention and enforcement entities throughout the campus community.

#### **CONSEQUENCES OF NON-COMPLIANCE**

Any faculty, staff, recognized auxiliary employee, student, registered campus organization, campus entity, visitor or visiting organization found to be in violation of federal, state and/or local law, or who violates the

University's standards of conduct may be subject to disciplinary action as set forth in the following and/or referred to the appropriate authorities for legal prosecution.

See Appendix C for a summary of federal and state laws governing alcoholic beverages and controlled substances.

### **Disciplinary Sanctions**

Faculty, staff, recognized auxiliary employees, and student employees found to be in violation of the University's standards of conduct may be subject to corrective action including required participation in an approved counseling or treatment program and/or termination. See detailed Human Resources information in Appendix E.

Individual students found to be in violation of the University's standards of conduct may be subject to disciplinary sanctions including warning, disciplinary probation, loss of privileges and exclusion from activities and/or from areas of the campus, referral to a required alcohol or other drug education program, interim suspension, suspension, or expulsion. See Judicial Affairs website (<http://www.cpp.edu/~judicialaffairs/index.shtml>) for Student Disciplinary Procedures.

Registered student clubs or organizations found to be in violation of the University's standards of conduct may be restricted from use of campus services and/or resources to support their organizational activities, and may be placed on probation or suspension through the Office of Student Life and Cultural Centers. Visitors or visiting organizations found to be in violation of the University's standards of conduct may be excluded from participation in campus events and/or further use of the campus. This may also include referral to the appropriate authorities for legal prosecution.

Campus entities, including University departments and colleges, as well as recognized auxiliary organizations, found in violation of this policy may be referred to the appropriate University administrators.

### **Education and Enforcement**

Enforcement of the AOD Policy is the responsibility of the President of the University, or designee. Violations will be directed to the appropriate vice president in conjunction with the respective auxiliary or state human resources department for resolution. When appropriate, the University, in consultation with the ATODAC, will seek to provide educational opportunities and feedback to those in violation of this policy. Members of the campus community may forward concerns to the designated vice president.

#### **“Safety First”**

The goal of “Safety First” is to ensure that students receive prompt medical attention for any health or safety emergency, and to ensure there are no impediments to reporting incidents of alcohol or other drug intoxication, harassment, violence or assault (including physical or sexual). A Safety First policy benefits our campus by encouraging students to make responsible decisions in seeking medical attention in serious or life-threatening situations that result from alcohol and/or other drug abuse and in any situation where medical treatment is reasonably believed to be appropriate. If a student is so intoxicated or drugged that the student is incoherent and/or unable to be awakened, letting the student “sleep it off” is not a reasonable alternative to getting the student the necessary medical help. Failing to seek assistance for a fellow student who appears to be dangerously impaired due to drug or alcohol abuse may result in sanctions.

### **Health Risks and Other Consequences**

Cal Poly Pomona is committed to educating the campus community regarding the health risks and other consequences associated with alcohol and/or drug use and abuse, and promoting responsible and safe drinking behaviors for those who engage in the lawful consumption of alcohol.

The use of illicit drugs or tobacco, and the illegal use or abuse of alcohol have all been shown to cause serious health consequences, including damage to the heart, lungs, and other organs. Alcohol-related accidents are a major cause of death among persons under age 25<sup>1</sup>. The most significant long-term health risk, besides death, is addiction. In addition to direct physical consequences, the abuse of alcohol and other drugs has been associated with impaired learning and increased risks of violence, physical injuries, accidents, acquaintance rape, unintended pregnancy, and sexually transmitted diseases.

For more detailed information on Health Risks see Appendix F.

## RESOURCES

The University recognizes alcohol and other drug dependency as treatable conditions and offers educational and counseling assistance and/or referrals to employees and students to aid them in dealing with problems associated with substance abuse.

<sup>1</sup> National Highway Traffic Safety Administration: Traffic safety facts: Crash stats. Alcohol-related fatalities and alcohol involvement among drivers and motorcycle operators in 2005. August 2006. DOT HS 810 644. Available from:

<http://www.nhtsa.gov>

All faculty, staff and students are encouraged to be proactive in their response to perceived alcohol abuse or drug dependency by initiating discussions with individuals whose behavior is not in accordance with the Cal Poly Pomona Alcohol and Other Drugs Policy. In situations where a member of the campus community is uncomfortable approaching an individual perceived to have a problem with alcohol/drug abuse, Human Resources, Judicial Affairs, the University Ombuds Office or University Police are appropriate resources for assistance.

For students, Student Health and Counseling Services is the campus resource for treatment of alcohol/drug related problems, as well as for advice in assisting students with related issues.

For faculty and staff, the Employee Assistance Program (EAP) is a campus resource that can provide appropriate referrals for assistance with drug or alcohol related problems. Benefits-eligible employees may have coverage in their medical benefits packages for counseling and the treatment of alcohol/drug related problems. The Human Resources EAP website (see below) contains referrals to resources.

Auxiliary employees and volunteers should contact the Human Resources representative in their respective auxiliary.

Health Services  
Building 46  
(909) 869-4000 <http://www.cpp.edu/~healthcounseling>

Counseling Services  
Building 66, Room 116 (Bookstore Building) (909) 869-3220 <http://www.cpp.edu/~healthcounseling>

Employee Assistance Program (CPPLifeMatters by Empathia) Hotline (800) 367-7474  
<http://www.cpp.edu/~employee-assist>

## CONSULTED ENTITIES AND TIME PERIODS

The ATODAC is comprised of administrative, faculty, staff and student representatives from across the University, the Cal Poly Pomona Foundation, and ASI. This policy revision was drafted by a subcommittee of the AODAC in 2011 and approved by the AODAC in 2012. A draft was presented to Student Affairs Cabinet on 9/12/12, with revisions made and posted for all campus review through Blackboard during the period 11/13/12— 12/21/12. Revisions presented to President's Cabinet on 1/31/13 were approved for publication on the University website. In June of 2013, the council name was changed from AODAC to ATODAC to incorporate "Tobacco." The interim policies were then sent for Academic Senate approval in July of 2014 and reviewed by a sub- committee on 3/3/15. The ATODAC policy subcommittee met on 3/17/15 to finalize suggested edits from Academic Senate. Additional edits made by AVP and VP of Student Affairs 3/27/15. Final approval from Academic Senate (AS.2477.145/AA) granted 5/27/2015. Policy referred to University President and approved as permanent on 8/3/15.

## APPENDIX A

### DEFINITIONS OF TERMS

#### Auxiliary:

An entity that meets the definition provided for in the Education Code (California Code of Regulations, Title 5, Article 1, Section 42400), and meets the specific criteria and requirements as set forth by the CSU Board of Trustees. At Cal Poly Pomona, the recognized auxiliaries are the Cal Poly Pomona Foundation Inc. (Foundation), and the Associated Students Incorporated (ASI).

#### Employee:

Shall include Cal Poly Pomona faculty, administrators, professional, support staff, part-time staff, student employees, volunteers, employees, and agents of its recognized auxiliaries (ASI or Foundation).

#### Workplace:

Any property owned, controlled, leased from or by California State Polytechnic University, Pomona as a site for the performance of work by employees of Cal Poly Pomona or its recognized auxiliaries (ASI or Foundation) or any meeting place deemed to be the location for official business of the University.

#### 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 the responsibility to determine violation of Federal or State criminal statutes.

#### Student:

As defined by the Chancellor's Office, student means an applicant for admission to the CSU, an admitted CSU student, an enrolled CSU student, a CSU extended education student, a CSU student between academic terms, a CSU graduate awaiting a degree, and a CSU student who withdraws from school while a disciplinary matter (including investigation) is pending.

#### Substances:

The term "substances" includes both illegal and legal substances:

1. Illegal Substances—Controlled substances means those substances as listed in schedules I through V of the Federal Controlled Substances Act (21 U.S.C.812) and further defined by regulations (21 CFR 1308), which are obtained illegally.
2. Legal substances are:
  - a. Alcoholic beverages, for persons age 21 or older.
  - b. Controlled substances as listed in the Federal Controlled Substances Act, which are prescribed or administered by a licensed physician or health-care professional.
  - c. Over the counter drugs/products.

## APPENDIX B

### GUIDELINES FOR AUTHORIZED USE OF ALCOHOL ON CAMPUS

The lawful sale or service of alcoholic beverages on campus must adhere to the following guidelines:

1. The consumption of alcoholic beverages outside of Alcoholic Beverage Control (ABC) licensed food facilities is not permitted on campus unless associated with an approved campus event.
2. All registered student club or organization events must be alcohol-free.
3. University sponsored events must have approval by the President or designee to host an event where alcohol will be present.
4. All persons or groups requesting to serve alcohol at an on-campus event must submit a written request for authorization with an appropriate facility lease application.
5. Decisions for authorization to use alcoholic beverages will be made by the President or designee, unless otherwise stated in this policy, and based upon the request submitted with the appropriate lease application.
6. Consumption of alcohol is permitted only within the established and approved area designated for the event.
7. Properly marketed and displayed non-alcoholic beverages must be available at the same place as the alcoholic beverages and must be featured as prominently as the alcoholic beverage.
8. Food must be provided when alcohol is being served. A minimum of 30% of the event's budget shall be assigned to the purchase of food items.
9. No event shall include any form of "drinking contest" or use of bulk quantities (e.g., kegs, party balls). The service of shooters, shots or doubles is prohibited at any campus event.
10. The lawful sale or service of alcoholic beverages will be conducted solely by employees or agents of the Cal Poly Pomona Foundation, Inc.
11. For events taking place outside of an ABC licensed facility, a one-day Caterer's Permit from the Department of ABC for the event is obtained by the Cal Poly Pomona Foundation, Inc. Any and all fees for this permit are the responsibility of the sponsoring organization for the event.
12. The University Police must be notified in writing two weeks in advance of any event where alcohol is being served. At the discretion of the Chief of Police or designee, one or more police officers may be assigned to events. The organizer of the event will be responsible for all costs associated with University Police presence at these events.
13. Failure to abide by University Policy and the above mentioned guidelines may result in immediate termination of the event, disciplinary proceedings and/or criminal prosecution, and restriction from future use of campus facilities.

## APPENDIX C

The following is not a comprehensive list and summarizes only a few laws that govern alcoholic beverages and controlled substances. Laws may change over time and individuals are expected to be aware of current federal, state, and local laws.

### FEDERAL LAWS GOVERNING CONTROLLED SUBSTANCES

(See United States Code 21, Sections 811, 844, 853, 881)

- A. The unlawful possession, use, manufacture, sale, or distribution of alcohol or all scheduled (illicit) drugs may lead to prosecution, and depending on the nature of the offense, may be categorized as a misdemeanor or felony and may be punished by fine and/or imprisonment.
- B. Examples of illicit drugs include narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g. PCP.
- C. First offense penalties for the illegal possession of a controlled substance range from up to 1 year in prison and a fine of at least \$1,000 but not more than \$250,000, or both. Second and subsequent convictions can include increased imprisonment and fines.
- D. Depending on the amount, first offense maximum penalties for trafficking marijuana range from 5 years in prison and a fine of \$250,000 to life imprisonment and a fine of \$4 million.
- E. Depending on the amount, first offense maximum penalties for trafficking class I and II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, etc.) range from 5 years to life imprisonment and fines from \$2 to \$4 million.
- F. Property including vehicles, vessels, aircraft, money, securities, or other things of value which are used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States.
- G. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all federal programs including student grants and loans, except some long term drug treatment programs.
- H. The federal Drug-Free Workplace Act of 1988 (41 U.S.C. 701) requires that University employees directly engaged in the performance of work on a Federal contract or grant shall abide by this Policy as a condition of employment and shall notify the Principal Investigator and/or the Chair of the sponsoring department or unit within five days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. In turn, the Principal Investigator or Chair shall notify the administrative head of the Office of Research and Sponsored Programs. That administrator is then obligated to notify the Federal contracting or granting agency within ten days of receiving notice of such conviction, and to take appropriate corrective action or require the employee to participate satisfactorily in an approved drug abuse assistance rehabilitation program.

### CALIFORNIA LAW GOVERNING CONTROLLED SUBSTANCES

California law regarding controlled substances is, in many respects, similar to federal law. Violations can result in imprisonment, fine, or both.

### CALIFORNIA LAW GOVERNING MARIJUANA

#### **CA Law Governing Cannabis (Marijuana)**

It is important to be aware that Cal Poly Pomona does not permit marijuana use or possession on campus property, including residential facilities. The university is required to uphold federal laws that prohibit use, distribution and consumption of marijuana by anyone of any age. The California State University, including Cal Poly Pomona, 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 Cal Poly Pomona AOD Policy and the CSU Student Conduct Code. The California Compassionate Use Act and Proposition 64 do not apply at the California State University or Cal Poly Pomona.

Marijuana use and possession is not allowed on campus. If you choose to use marijuana off campus you will be subject to California law. Below are CA laws governing use outside on university property.

**Under AB-64 the Adult Use of Marijuana Act (AUMA) you may not** (HSC 11362.3-11362.4):

Consume, smoke or vaporize marijuana in any public place (\$100 infraction).

Consume marijuana or possess an "open container" of marijuana while driving or riding as a passenger in any motor vehicle (vehicle code 23220 & 23221)

Possess or use marijuana on the grounds of any school or University

Possess more than one ounce of marijuana flower or eight grams of marijuana concentrate

Minors under 21 may not possess, use, transport, or cultivate marijuana

**More on Prop 64**

Prop 64 also authorizes resentencing or dismissal of prior marijuana-related convictions, which means that people who have a criminal conviction for marijuana may be able to change their record or get it resentenced.

This judicial process provided though Prop 64 will eliminate some barriers to housing, employment, and other support services.

For more information on how to change your record visit <http://www.drugpolicy.org/how-change-your-record>

For more information on CA laws governing marijuana visit <http://www.courts.ca.gov/prop64.htm>

**CALIFORNIA LAW GOVERNING ALCOHOLIC BEVERAGES**

- A. No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages (California Business and Professions Code section 25658).
- B. It is unlawful for any person under the age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view (California Business and Professions Code section 25662).
- C. It is a misdemeanor to sell, furnish, or give away an alcoholic beverage to any person under the age of 21 (California Business and Professions Code 25658) or to any one obviously intoxicated (California Business and Professions Code section 25602).
- D. It is unlawful for any person to drink while driving, or to have an open container of an alcoholic beverage in a moving vehicle. With a blood alcohol level of .08 or higher, a driver is presumed under the influence of alcohol. Between .04% and .08% a person may be found guilty of driving under the influence (California Vehicle Code section 23152).
- E. It is unlawful for any person under the age of 21, who has 0.05 percent or more by weight of alcohol in their blood, to drive a vehicle (California Vehicle Code section 23140).

## OTHER CALIFORNIA LAWS

Every person who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance or any combination of any of the above and is in such a condition that that person is unable to exercise care for their own safety or the safety of others is guilty of a misdemeanor (California Penal Code section 647(f)).

## APPENDIX D

### HEALTH AND SAFETY EMERGENCY SITUATIONS

Generally, the University may not disclose student education records and personal information, including but not limited to, disciplinary violations and/or proceedings, without the student's consent under the California Information Practices Act (IPA) (California Civil Code § 1798 et seq.) and the Family Educational Rights and Privacy Act (FERPA) (34 CFR § 99 et seq.). Notwithstanding, the University may disclose a student's education records and personal information to appropriate parties, without the student's consent, if the University determines that compelling circumstances exist, which affect the health or safety of the student to whom the information pertains and/or other individuals, and provided that, upon the disclosure, notification is transmitted to the student to whom the information pertains at their last known address.

The Director of Judicial Affairs, or designee, may notify the emergency contact person listed in the student's education records in circumstances involving alcohol and/or other drugs deemed by the University to pose a danger to the health or safety of a student and/or other individuals in the campus community. All possible circumstances that would meet the health and safety exception cannot be listed, but examples would include, but are not limited to:

1. The student was required to be transported to a medical facility because of alcohol or other drug use.
2. The student has caused harm to him/herself or another while under the influence of alcohol or other drugs.
3. The student has shown a pattern of behavior or violations that indicate a severe physical or emotional problem with alcohol or other drugs.

## APPENDIX E

### HUMAN RESOURCES INFORMATION

Employees are expected to be in a condition fit to perform the normal and reasonable duties of their positions at all times. The consumption of alcohol or use of drugs which impairs one's ability, either prior to the start of a work shift, during the work shift or during meal breaks, is prohibited.

#### Assistance for Employees

1. When an employee has drug or alcohol related issues or concerns, the employee is encouraged to seek assistance. The University Employee Assistance Program is a campus resource that can provide appropriate referrals for assistance with drug or alcohol related problems. Benefits eligible employees may have coverage in their medical benefits package for counseling and the treatment of alcohol/drug related problems. Auxiliary employees and volunteers should check with the Human Resources Representative in their respective auxiliary. The employee may request a leave of absence to attend counseling, treatment or employee support programs outside of regular work hours, in addition to using approved vacation or sick leave for this purpose. The Human Resources Employee Assistance Program, LifeMatters web site contains referrals to resources.
2. For student employees, additional resources are available through Student Health and Counseling Services for assistance with alcohol/drug related problems, as well as for advice in assisting students with related issues.

#### Identification, Referral and Reporting of Abuse

1. All faculty, staff and students employees are encouraged to be proactive in their responses to perceived alcohol abuse or drug dependency. If any member of the campus community judges that an individual is suffering from the abuse of alcohol or other drugs, they are encouraged to initiate discussions with the individual and/or other appropriate party, and refer to the Cal Poly Pomona Alcohol and Other Drugs Policy, and note the consequences of alcohol or drug abuse relating to health and well-being.
2. In situations where an individual as either supervisor or member of the campus community is uncomfortable approaching the individual who is perceived to exhibit alcohol/drug abuse, Human Resources, Judicial Affairs, PolyCARES, or University Police are viable alternatives to contact.
3. The supervisor has an obligation to bring work performance concerns to the attention of the employee and to take appropriate action to address the situation.

#### Employee Job Performance

1. When an employee's job performance appears to be compromised by behavioral or performance issues related to the use of an illegal substance or the abuse of a legal substance, including alcohol, the supervisor is obligated to take appropriate action to address the situation, which may include notifying and seeking advice from Human Resources (for staff or student employees), Academic Affairs (for faculty). Appropriate action is determined on a case-by-case basis and may include, but is not limited to, supervisory referral to the Employee Assistants Program, corrective action, or University Police Department intervention.
2. Corrective action for employees found to be in violation of this policy may include, but is not limited to, dismissal, referral for prosecution, and/or referral for rehabilitation. In addition to, or in lieu of corrective action, an employee may be required to participate in an approved counseling or treatment program. Attendance in counseling or treatment programs does not relieve an

employee from the obligation to maintain acceptable work standards nor should it delay appropriate corrective action.

3. Any person covered by this policy who is convicted of a drug or alcohol-related offense committed on campus, at the workplace, on other institutional property, or at an institutional function, shall report the conviction to their respective Vice President. Auxiliary employees and volunteers report to the Human Resources Representative in the respective auxiliary. Cabinet level administrators report to the President.
4. Employees who are subject to the requirements of the Federal Omnibus Transportation Employee Testing Act must comply with the required drug testing provisions, as defined by the program and administered by the Department of Human Resources.

### Prescription Medication

1. An employee using a legally prescribed drug (e.g. muscle relaxant, pain medication) who has been advised by the employee's physician, or who has reason to believe, the drug may affect their ability to perform their job duties safely or efficiently, is required to report any safety issues and requests for accommodation while taking the drug. A medical certification will also be required, but should only list the need for accommodation, not a diagnosis.
2. The immediate supervisor and employee will confer with Human Resource Services (for staff or student employees) or Academic Affairs (for faculty), to discuss the request for accommodation. Consultation with the employee's physician may be required to determine whether or not an accommodation can be made, as well as appropriate responses to the request, without risk to safety or loss of efficiency. This is a confidential process; the doctor should not discuss the diagnosis with the University, but should only discuss the possible ways to accommodate the employee.

### Enforcement of Regulations

1. Disciplinary Action—If an employee or student employee is suspected with good reason of the unlawful manufacturing, distributing, dispensing, possessing or using of illicit drugs or is in violation of an alcoholic beverage statute on University property, or in connection with University activities, the University will investigate and take appropriate action.
  1. *Faculty and staff members will be referred to their immediate supervisor with assistance from Academic Affairs and Human Resources respectively and/or University Police.*
  2. *Supervisors and members of the campus community should report concerns or issues about student employees to Human Resources and/or University Police. Human Resources may refer student employees to Judicial Affairs for student disciplinary actions.*
  3. *Student organizations will be referred to the Office of Student Life and/or University Police.*
2. In situations in which individuals assume multiple roles within the campus community (e.g., researcher/lecturer, student/staff person, faculty/federal contract researcher), it is recommended that each entity serve as a resource for counsel and clarification of strategies to best resolve the

### Confidentiality

All medical records related to the diagnosis or treatment of drug or alcohol abuse program involving a Cal Poly Pomona employee or student employee are confidential. This information is subject to protection under Federal and State laws and may not be disclosed without specific authorization by the employee.

## APPENDIX F

### HEALTH RISKS

#### Associated with the Use of Alcohol and Other Drugs

The following information is meant to be used as a guide to inform you of potential drug and alcohol problems. This information should not be used as a diagnostic tool, nor is the information definitive of substance abuse. If you have concerns about a person's behavior, please utilize the resources provided in Appendix E.

#### Alcohol:

Alcohol is a depressant that reduces activity in the central nervous system. It can decrease heart rate, lower blood pressure, and decrease respiration rate. Alcohol intoxication lowers inhibitions, impairs judgment, slows reaction times and causes loss of fine motor coordination.

When a person drinks too much, their capacity to process information and make safe decisions is impaired. The risks associated with alcohol misuse include hangover, overdose and addiction. Alcohol misuse and abuse places you at increased risk for physical injury, driving under the influence, sexual assault and other violent behavior. Misusing alcohol can also have a negative impact on academic success, work performance, friendships and family relationships.

Numerous health risks are associated with drinking. Alcohol can interact with many over-the-counter, prescription, and illegal drugs, intensifying the effects of these drugs and leading to potential organ failure or death. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain function; impaired sensation, memory lapses or blackouts, organ damage, and addiction. Research indicates that adult children of alcoholics have as much as a four to six times greater risk of becoming an alcoholic or having a problem with other drugs.

Excessive drinking can result in alcohol poisoning. On average, it takes over an hour to eliminate the alcohol content of one drink from the body. Nothing can speed up this process- not even coffee or cold showers. Drinking too much or drinking a large quantity of alcohol quickly raises one's blood alcohol content to the point where their body cannot effectively process the alcohol. This can result in overdose and possibly coma or death.

#### Marijuana:

Effects of THC (the active ingredient in marijuana) vary depending on the person, setting, dose, and/or expectation of the user. Marijuana can make it harder to function and succeed in an academic or work setting, particularly when tasks require close attention and thoughtful decision-making. Using marijuana may impair one's short-term memory, reading comprehension, and capacity to solve verbal and mathematical problems. Increased heart rate and uncomfortable feelings such as paranoia and panic are often experienced with marijuana use. Additionally, regular use may lead to "amotivational syndrome" with symptoms of listlessness, fatigue, inattention, withdrawal and apathy, making it difficult to achieve academic and personal goals.

Coordination is greatly affected by marijuana use since it slows reflexes and impairs visual perception. Driving while under the influence (or being driven by someone else under the influence) can be as dangerous as driving under the influence of alcohol. Regular use can lead to a variety of health problems such as elevated blood pressure and decreased body temperature; irritation of the mouth, throat, and lungs, and aggravation of asthma, bronchitis, and emphysema; chronic lung disease and cancer. Additionally, one can test positive for marijuana up to 3 months after use.

### Inhalants:

Inhaling fumes (also known as “huffing”) from chemicals such as paint thinners, glue, gasoline, propane, butane, nitrous oxide, and others can be extremely risky and can cause death. Other health consequences include loss of inhibition, loss of motor coordination and/or muscle weakness, headache, nausea or vomiting, cramps, slurred speech, wheezing, unconsciousness, depression, memory impairment, and/or damage to heart and nervous system.

### Tobacco:

The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in heart disease, emphysema and cancer. Emphysema destroys the lung’s capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Chewing tobacco and snuff are not safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly-spreading cancers of the mouth, head, and neck.

### Ecstasy (MDMA):

Ecstasy (MDMA) is a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.

### Steroids:

Anabolic steroids are synthetic versions of the hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to gain an edge (albeit illegally) in athletic endeavors. Steroid use can lead to a variety of health problems including high blood pressure, liver disease and cancer. Male users experience testicular atrophy, breast growth, impotence, sexual dysfunction, acne, and aggression (‘roid rage). Female users experience enlarged clitoris, deepened voice, male pattern baldness, and acne. Most of these effects are permanent even after steroid use has ended.

### Cocaine:

Cocaine is a highly addictive stimulant that can lead to serious health problems such as heart attack, respiratory failure, strokes, seizure, and/or death. Common effects of cocaine include damaged nasal tissues, malnutrition, intense anxiety and anger, violent behavior, restlessness, fear, paranoia, depression, and hallucinations.

### Amphetamines:

Amphetamines are highly addictive stimulants that can have severe health consequences, including death. Even limited use can lead to many physical symptoms including increased heart rate and blood pressure; heart, brain, and lung damage, stroke, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.

### LSD:

LSD (acid) can dramatically alter one's thought processes, mood, and perceptions. Initial effects of LSD are mostly physical and include dilated pupils, muscular weakness, rapid reflexes, decreased appetite, increased blood pressure and increased body temperature. As effects continue, the user begins to experience visual and other sensory distortion, which can result in unusual or frightening hallucinations. LSD can trigger more serious problems such as psychosis for individuals with a history of psychological problems. Effects may recur days or weeks later without further use (flashbacks).

#### Heroin:

Heroin is a highly addictive opiate that can be lethal in high doses. Health effects of heroin use include drowsiness and loss of appetite, addiction with severe withdrawal symptoms, impaired mental functioning, slowing of reflexes and physical activity; infection, hepatitis, and HIV (from needle sharing), or death from overdose.

#### Predatory Drugs:

These drugs are given to another person without them knowing, usually by slipping the drug into a drink. Rohypnol (aka. Roofies), is a potent tranquilizer that has been used to facilitate sexual assaults. Effects of the drug occur 20 to 30 minutes after ingestion and leave the person feeling drowsy, dizzy, and disoriented, rendering them helpless and immobile. In addition to these sedative effects, impaired balance and/or speech, and memory loss are common. Like rohypnol, GHB has also been associated with sexual assault. In its clear liquid form, it can easily be slipped into someone's drink. Effects of the drug can be felt in 15-20 minutes and include dizziness, heavy drowsiness, and confusion.

Some people use GHB to enhance the effects of alcohol or other drugs. This combination can be especially life-threatening due to synergistic effects of the drugs. GHB use can lead to a variety of physical problems such as dizziness, nausea, breathing problems, memory loss, seizures, unconsciousness, and in some cases, death. Originally used as an animal tranquilizer, ketamine is now used as a club drug due to its hallucinogenic effects. Many negative effects can result from ketamine use including vomiting, numbness, loss of muscle control, paranoia, and aggression. In larger doses, effects may include convulsions, decreased oxygen to the brain, coma and even death. Individuals who use ketamine are at increased risk for sexual and physical assault since their loss of muscle control and mental state make them vulnerable to assault.