

Note: This pdf document is an excerpt from the 2010-11 SU Student Handbook. If you'd like to see the entire Handbook, please visit - <http://www.southwestern.edu/studentlife/handbook/>

## **XXI. Drug-Free Workplace Policy**

The Federal Drug-Free Workplace Act of 1988 requires institutions that receive federally funded grants, including student aid, to undertake certain actions and adopt various procedures relating to the misuse of controlled substances in the workplace. As required by the statute, the University has adopted the policy printed below:

Southwestern University realizes its commitment to provide a healthy environment to its employees in which informed decisions are made and responsible behavior maintained. For this reason, Southwestern University prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled

substance, alcohol or inhalants by its employees at any time on the University's premises or when conducting any and all University business. Disciplinary action will be taken against any employee for violation of this policy. Any disciplinary action will depend on the circumstances, but could include termination of employment or could consist of requiring the employee to successfully complete a drug abuse assistance or rehabilitation program. As required by the law, each employee must, as a condition of employment, abide by the terms of this statement, and any employee who is convicted under criminal law of substance abuse while on University property or while performing duties for the University must notify the Human Resources department within five calendar days of such conviction.

In order that there be no misunderstanding of the policy, the following definitions are provided in accordance with the Federal Register:

"Controlled substance" means a controlled substance indicated in schedules I through V of the Federal Controlled Substance Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1308.11 through 1308.15. Marijuana is a controlled substance, for example.

"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 violations of the Federal or State criminal drug statutes.

"Criminal drug statute" means a federal or state statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.

"Drug-free workplace" means a site for the performance of work by a University employee at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol.

## **Legal Sanctions under Federal Law for the Unlawful Possession or Distribution of Controlled Substances**

Federal Penalties and sanctions for illegal possession of a controlled substance:

21 U.S.C. 844(a) - First conviction: Up to 1 year imprisonment and fined at least \$1000 but no 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.

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: (a) First conviction and the amount of crack possessed exceeds 5 grams. (b) Second crack conviction and the amount of crack possessed exceeds 3 grams. (c) Third 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.

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. 884a - Civil fine of up to \$10,000.

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's licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

**Legal Sanctions under State Law for the Unlawful Possession or Distribution of Controlled Substances**

Provided is a list for the benefit of every employee the core legal sanctions imposed by the State of Texas. This list is not intended to be a complete list of offenses and penalties. Instead, it summarizes the severe penalties that flow from drug and alcohol abuse.

Offenses	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances	Confinement in the Texas Department of Criminal Justice (TDCJ) for not more than 10 years or less than 2 years in a community correctional facility for not more than 1 year and a fine not to exceed \$10,000, or both.	Confinement in the TDCJ for life or a term more than 99 years or not less than 20 years and a fine not to exceed \$500,000.
Possession of controlled substances	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$1,000 or both.	Confinement in TDCJ for life or a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Delivery of Marijuana	Confinement in jail for a term of not more than 180 days, a fine not to exceed \$1,000, or both.	Confinement in TDCJ for life or for a term of not more than 99 or less than 15 years, and a fine not to exceed \$250,000.
Possession of Marijuana	Confinement in jail for a term not to exceed 180 days, and a fine not to exceed \$1,000.	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000.

Offenses	Minimum Punishment	Maximum Punishment
Driving While Intoxicated (includes intoxication from Alcohol, drugs, or both).	Confinement in jail for a term of not more than two years or less than 72 hours, and a fine of not more than \$2,000 or less than \$100.	Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more than 5 years or less than 60 days, and a fine of not more than \$2,000 or less than \$500.
Public Intoxication		A fine not to exceed \$200.
Purchase of alcohol by a minor. Consumption of alcohol by a minor	Fine of not less than \$25 or more than \$200.	For a subsequent offense, a fine of not less than \$100 or more than \$500.
Possession of alcohol by a minor		
Sale of alcohol to a minor	Fine of not less than \$100 or more than \$500 or confinement in jail for not more than 1 year, or both.	For a subsequent offense, a fine of not less than \$500 or more than \$1000 or confinement in jail for not more than 1 year, or both.
Possession of or delivery of drug paraphernalia	Fine not to exceed \$200,000.	Confinement in jail for not more than 10 years or less than 2 years and a fine not to exceed \$5,000.

## Health Risks Associated with the Use of Controlled Substances and Alcohol

This Appendix contains a listing of controlled substances and health risks associated with the substances covered by the Controlled Substance Act (21 U.S.C. 811).

While alcohol consumption is legal over the age of 21, it can be dangerous if abused. Alcohol consumption causes marked changes in behavior. Even low consumption can significantly impair judgement and coordination.

Low to moderate consumption of alcohol can also increase a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions, greatly altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined

with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucination, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics.

Drug and/or alcohol contribute to 65% of all suicides, 70% of all drowning deaths, 83% of all fire deaths, 50% of all motor vehicle accidents, 60% of all fatal automobile accidents, and 70% of all homicides.

### **Assistance Programs Available to Employees**

The University is aware of its obligation to employees with regard to providing a drug and alcohol free work environment. Drug counseling and treatment are available on an out-patient and in-patient basis under our medical insurance program subject to specific contractual provisions.

**NOTIFICATION OF CONVICTIONS:** Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off the University premises while conducting University business. A report of a conviction must be made within five (5) days after the conviction to their immediate supervisor. The immediate supervisor will immediately inform the Associate Vice President for Human Resources. Within ten (10) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the Associate Vice President for Human Resources will notify the Federal government of such conviction. Within thirty (30) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the Associate Vice President for Human Resources will take appropriate action. (This requirement is mandated by the federally legislated Drug-Free Workplace Act of 1988).

**BIENNIAL REVIEW OF THE PROGRAM:** The University will conduct a biennial review of the program to: (1) determine its effectiveness and implement changes to the program, if needed, and (2) ensure that University disciplinary sanctions are consistently enforced.

**CONCLUSION:** A final word - by law, this workplace must be totally free of illegal use of drugs and alcohol. No one is allowed to use, make, sell, distribute or have with them any controlled substances while at work. If this law is violated, the entire institution is affected because of possible loss of funding, which may result in the loss of jobs. If an employee is involved with drugs, he/she should use the help available. If the employee knows other employees who are involved with drugs, they should be encouraged to seek help.

## DRUGS OF ABUSE / Uses and Effects

U.S. Department of Justice  
Drug Enforcement Administration

Drugs	CSA Schedules	Trade or Other Names	Medical Uses	Dependence			Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
				Physical	Psycho-logical	Tolerance					
<b>Narcotics</b>											
Heroin	Substance I	Diamorphine, Horse, Shark, Black tar, Chiva, Antitussive /Negra (black tar)	None in U.S., Analgesic, Antitussive	High	High	Yes	3-4	Injected, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine	Substance II	MS-Conti, Roxanol, Oramorph SR, MSIR	Analgesic	High	High	Yes	3-12	Oral, injected			
Hydrocodone	Substance II, Product III, V	Hydrocodone w/ Acetaminophen, Vicodin, Tyloxipen, Tussionex, Lorlab	Analgesic, Antitussive	High	High	Yes	3-6	Oral			
Hydro-morphone	Substance II	Dilaudid	Analgesic	High	High	Yes	3-4	Oral, injected			
Oxycodone	Substance II	Roxicet, Oxycodone w/ Acetaminophen, OxyContin, Endocet, Percocet, Percodan	Analgesic	High	High	Yes	3-12	Oral			
Codeine	Substance II, Products III, V	Acetaminophen, Guafenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/Codeine	Analgesic, Antitussive	Moderate	Moderate	Yes	3-4	Oral, injected			
Other Narcotics	Substance II, III, IV	Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Buprenex, Buprenex	Analgesic, Antidiarrheal, Antitussive	High-Low	High-Low	Yes	Variable	Oral, injected, smoked			



## DRUGS OF ABUSE/Uses and Effects

U.S. Department of Justice  
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DRUGS OF ABUSE/Uses and Effects										
<b>Hallucinogens</b>										
MDMA and Analogs	Substance I	(Ecstasy, XTC, Adam), MDA (Love Drug), MDEA (Eve), MBDB	None	Moderate	Yes	4-6	Oral, snorted, smoked	Heightened senses, teeth grinding and dehydration	Increased body temperature, electrolyte imbalance, cardiac arrest	Muscle aches, drowsiness, depression, acne
LSD	Substance I	Acid, Microdot, Sunshine, Boomers	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, altered perception of time and distance	(LSD) Longer, more intense "trip" episodes	None
Phencyclidine and Analogs	Substance I, II, III	PCP, Angel Dust, Hog, Loveboat, Ketamine (Special K), PCE, PCPy, TCP	Anesthetic (Ketamine)	High	Yes	1-12	Smoked, oral, injected, snorted	Unable to direct movement, feel pain, or remember		Drug seeking behavior *Not regulated
Other Hallucinogens	Substance I	Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayahuasca, DMT, Dextromethorphan* (DXM)	None	None	Possible	4-8	Oral			
<b>Cannabis</b>										
Marijuana	Substance I	pot, Grass, Sinssemilla, Blunts, Mota, Yerba, Grifa	None	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Occasional reports of insomnia, hyperactivity, decreased appetite
Tetrahydrocannabinol	Substance I, Product III	THC, Marinol	Antinauseant, Appetite stimulant	Moderate	Yes	2-4	Smoked, oral			
Hashish and Hashish Oil	Substance I	Hash, Hash oil	None	Moderate	Yes	2-4	Smoked, oral			

