

# ADMINISTRATIVE REGULATION 4016

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

## DRUG-FREE ENVIRONMENT AND DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

### I. GENERAL

It is the intention of the District to provide an environment that maximizes academic and professional achievement and personal growth. The District recognizes that alcohol and other drug use or abuse poses a significant threat to the health, safety, and well-being of users and the people around them. Substance abuse also interferes with academic, co-curricular, and extracurricular interests and can lead to health, personal, social, economic, and legal problems.

Alcohol and drug abuse, addiction, and dependency are behavioral/medical problems. Because the District's primary intent is to be helpful, not punitive, programs have been developed to deter and/or provide treatment for alcohol and other drug abuse. First, education is provided about alcohol and other drug-related hazards and associated problems. Second, a program of assistance and referral is available to aid individuals who are experiencing alcohol and other drug-related problems. Third, disciplinary procedures are applied to uphold the District policy regarding alcohol and other drug use.

The purpose of this regulation is to implement the provisions of the Drug-Free Workplace Act of 1988 which requires federal grant recipients to provide a drug-free workplace.

### II. DISTRICT'S DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)

This regulation is intended to comply with the minimum requirements of the Drug-Free Schools and Communities Act of 1989 for all colleges in the District and District Services. This act requires that all colleges in the District adopt and implement a drug and alcohol abuse prevention program (DAAPP) to prevent the abuse or unlawful possession, use, or distribution of alcohol and illicit drugs by all students and employees on District premises or as part of any of its activities.

The following encompasses the District's DAAPP, which is applicable to all students and employees of South Orange County Community College District.

#### A. Health Risks Associated with the Use of Illicit Drugs and/or the Abuse of Alcohol

1. Substance abuse can cause extremely serious health and behavioral problems, including short- and long-term effects on the body and mind. The physiological and psychological responses differ according to the chemical ingested; although chronic health problems are associated with long-term substance abuse, acute and traumatic reactions can occur from one-time and moderate use.

2. Drugs such as LSD, amphetamines, marijuana, cocaine and alcohol alter emotions, cognition, perception, physiology, and behavior. Drug use during pregnancy may result in miscarriage, fetal damage and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death. Alcohol acts as a depressant to the central nervous system and can cause serious short- and long-term damage. Short-term effects include nausea, vomiting and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage and even eventual death. Ingesting a large amount of alcohol at one time can lead to alcohol poisoning, coma, and death.
3. Acute health problems as a result of alcohol and drug use may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage.

**B. Counseling, Treatment, Rehabilitation or Re-Entry Programs**

1. The District offers a wide variety of educational opportunities to its students, employees and the community that address alcohol and other drug-related issues. Information about formal courses is available in the college catalogs, class schedules, and through the counseling centers. Additional educational opportunities include awareness activities, conferences, workshops, films/videos, and lectures, some of which are offered in conjunction with other colleges and community agencies. These activities are publicized at each college and District Services.
2. Students can seek help through the Student Health and Wellness Centers. Professionals provide assistance for students with alcohol or drug problems, including crisis intervention, education, and/or referral.

Students may be referred to groups or agencies such as the following:

- a. Alcoholics Anonymous
  - b. Narcotics Anonymous
  - c. Co-Dependents Anonymous
  - d. Other appropriate self-help groups
  - e. Local hospitals for inpatient/outpatient programs
  - f. Private treatment agencies
3. Employees of the District will be referred to or have the ability to take part in drug and alcohol counseling, treatment, and rehabilitation programs, including:
    - a. Alcoholics Anonymous
    - b. Narcotics Anonymous
    - c. Co-Dependents Anonymous
    - d. Other appropriate self-help groups
    - e. Private treatment agencies

- f. Treatment and counseling options available through the District's Employee Assistance Program (EAP), which are designed as confidential assistance and support programs for employees in crisis.
- g. Inpatient and outpatient counseling and treatment programs currently offered through the employee's medical provider
- h. Paid leave or unpaid leave to attend inpatient and outpatient drug or alcohol treatment programs.

C. Standards of Conduct

1. The District shall be free from all federally unlawful drugs and from the unlawful possession, use, or distribution of alcohol and illicit drugs by students and employees.
2. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, as defined in Schedules I-V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), is prohibited on District property, during District-sponsored field trips, activities, or workshops, and in any facility or vehicle operated by the District.
3. The possession, sale, or furnishing of alcohol on campus is governed by California state law and this regulation. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control.
4. The enforcement of alcohol laws on college premises is the primary responsibility of the Campus Police Department. Each college within the District and District Services have been designated "Drug Free," and only under certain circumstances is the consumption of alcohol permitted.
5. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this regulation for anyone to consume or possess alcohol at any District facility without prior District approval.
6. Organizations or groups violating alcohol or substance policies, regulations, or laws may be subject to sanctions by the District.
7. In addition to this regulation, *AR 5401 Standards of Student Conduct*, which applies to all District Students, clearly prohibits the unlawful possession, use or distribution of alcohol or illicit drugs on District property or as part of any District or college activity.
8. As a condition of continued employment in this District, which accepts federal grants, an employee will notify the District of any criminal drug statute conviction, including a plea of nolo contendere, occurring in the workplace. Said notice shall be delivered no later than five (5) days after such conviction.

D. Disciplinary Action

1. Any employee who violates the standards of conduct enumerated in this regulation will be subject to appropriate personnel action, in accordance with the collective bargaining agreements and applicable Board Policies, which may include, termination of employment; or, consistent with local, state, or federal law, referral for prosecution.

2. Any student who violates the standards of conduct enumerated in this regulation will be subject to appropriate disciplinary action as described in AR 5401 Standards of Student Conduct.
3. Consistent with local, state, or federal law, any student or employee who violates this regulation may also be referred for satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

E. Legal Sanctions

1. The Federal Controlled Substance Act, 21 U.S.C. §§ 801 et seq, proscribes federal penalties and sanctions for illegal trafficking and possession of a controlled substance. A summary of this information is available in the U.S. Drug Enforcement Administration’s “Drugs of Abuse Resource Guide” available at [www.dea.gov](http://www.dea.gov).
2. A separate summary of penalties and sanctions pertaining to marijuana, hashish and hashish oil is also available in the DEA’s “Drugs of Abuse Resource Guide” at [www.dea.gov](http://www.dea.gov).
3. Federal law has set 21 as the minimum age to purchase or possess any alcoholic beverages. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the California Department of Alcoholic Beverage Control (ABC). State laws pertaining to the possession, use and distribution of alcohol and illicit drugs are available in the California Health & Safety Code (California Uniform Controlled Substances Act, Health & Safety Code §§ 11000 et seq) and the California Business and Professions Code.
4. The following are criminal penalties for unlawful possession of controlled substances:
  - a. Under California state law, possession of any amount of certain controlled substances is punishable by up to one year of incarceration in a county jail, pursuant to Sections 11054 and 11350 of the Health & Safety Code. Unlawful possession of marijuana or cannabis is punishable based upon the amount involved and age of offender, ranging up to a fine of \$500 and six months of incarceration in a county jail, pursuant to Section 11357 of the Health & Safety Code.
  - b. Under federal law, possession of a “controlled substance” is punishable of up to three years imprisonment, pursuant to 21 U.S.C. §§ 802 and 844(a).
5. The following are criminal penalties for unlawful distribution of controlled substances:
  - a. Under California law, the sale of, or purchase with the intent to sell, certain controlled substances is punishable by up to four years of incarceration, pursuant to Section 11351 of the Health & Safety Code. The sale of, or purchase with the intent to sell, marijuana is punishable by a term of imprisonment in a county jail of up to three years, pursuant to Section 11359 of the Health & Safety Code and Section 1170(h) of the Penal Code.
  - b. Under federal law, the penalties for unlawful distribution of controlled substances is complex, and is summarized in the “Mandatory Minimum Sentencing of Federal Drug Offenses” publication by the Congressional Research Service available at <https://crsreports.congress.gov>.

F. Distribution of DAAPP

The Chancellor or designee shall ensure the following:

1. That the District distributes annually the information required by the Drug-Free Schools and Communities Act Amendments of 1989 to each employee;
2. That the colleges distribute annually the information required by the Drug-Free Schools and Communities Act Amendments of 1989 to each student;
3. That the DAAPP is also distributed by the colleges to new students who are enrolled after the annual notification is sent and by the District to new employees hired after this date; and
4. Will ensure that the District complies with other requirements of the Act.

G. Biennial Review Report

Each college of the District will conduct a biennial review of the DAAPP to assess its effectiveness in compliance with the Education Department General Administrative Regulations. The biennial review of the DAAPP will:

1. Determine the DAAPP's effectiveness and implement changes to the program if they are needed;
2. Determine the number of drug and alcohol-related violations and fatalities that occur on each college's campus (as defined by the Clery Act) or as part of any of the college's activities that are reported to campus officials;
3. Determine the number and types of sanctions that are imposed by the college as a result of drug and alcohol-related violations and fatalities on the college's campus or as part of any of the college's activities; and
4. Ensure that sanctions imposed by the college as a result of drug and alcohol-related violations and fatalities on the college's campus or as part of any of the college's activities are consistently enforced.

Following the biennial review process, each college will produce a Biennial Review Report containing the above components. The Biennial Review Report must be signed by the college president and maintained on file with each college for seven years after the fiscal year in which the report was created.

*References:*

- Drug Free Schools and Communities Act Amendment of 1989*
- 20 U.S. Code Section 1011i*
- 34 C.F.R. Sections 86.1 et seq.;*
- Federal Drug Free Workplace Act of 1988, 41 U.S. Code Section 702*
- 41 U.S. Code Section 8103*