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I. POLICY STATEMENT:

Pacific Oaks is committed to maintaining a drug-free and alcohol-free working and learning environment for its employees and students in compliance with applicable state and federal laws; e.g., the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

Illegal drug use and alcohol abuse can seriously injure the health of employees, adversely impact the performance of their responsibilities, and endanger the safety and well-being of fellow employees. In addition, illegal drug use and alcohol abuse by our students can lower academic achievement, diminishing student success.

The unlawful manufacture, distribution, possession, or unlawful use of alcohol or a controlled substance, as defined in schedules I through V of the Controlled Substances Act, 21 United States Code section 812, and by regulations 21 Cod of Federal Regulations section 1308, on Pacific Oaks premises or while conducting Pacific Oaks business off Pacific Oaks premises is absolutely prohibited. Notwithstanding any state law; e.g., California, Oregon, Washington, regarding the use of marijuana, federal law continues to make marijuana, with or without a prescription, an illegal drug as that term is used in this policy.

Employees are expected and required to report to work on time and in an appropriate physical condition for work. It is the intent of the Pacific Oaks to provide a healthful, safe, and secure work environment free of drugs and alcohol abuse. Employees who violate federal or state laws concerning drugs or alcohol are subject to criminal prosecution; those who violate Pacific Oaks policies also are subject to disciplinary action up to and including termination and referral for prosecution.


Likewise, students are expected and required to report for classes on time and in an appropriate physical condition to learn. It is the intent of the Pacific Oaks to provide a healthful, safe, and secure learning environment free of drugs and alcohol abuse. A student found in violation of this policy will be subject to such disciplinary actions as described in the Code of Student Rights and Responsibilities up to and including expulsion.

Individuals who wish to obtain information on drug and alcohol abuse prevention programs may contact the Substance Abuse & Mental Health Services Administration's ([SAMHSA](https://www.samhsa.gov) <https://www.samhsa.gov/find-help/national-helpline>, toll free: 800-662-HELP (4357), and TDD toll free: 800-487-4889) or [visit online treatment locations](https://findtreatment.samhsa.gov/) (<https://findtreatment.samhsa.gov/>).

The following policy will be strictly enforced. Anywhere Pacific Oaks business is conducted is declared to be a drug-free workplace

II. PURPOSE:

To demonstrate compliance with applicable state and federal laws; e.g., the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 and their amendments.


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III. APPLICABILITY:

This policy applies to all full-time and part-time employees of Pacific Oaks, including administrators, faculty, and staff and students.

IV. DEFINITIONS:

- A. **Controlled Substance** - Are those substances defined in schedules I through V of the Controlled Substances Act, 21 U.S.C. §812 (<https://www.law.cornell.edu/uscode/text/21/812>), and by regulation at 21 C.F.R. §1308 (<https://www.law.cornell.edu/cfr/text/21/part-1308>).
 1. List of controlled substances can be found on the DEA website <https://www.deadiversion.usdoj.gov/schedules/index.html>
- B. **Conviction** - A conviction is 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 any criminal drug statutes.
- C. **Employee Assistance Program** - Pacific Oaks-sponsored Employee Assistance Program (EAP) is designed to assist supervisors and employees whose personal problems are affecting their performance at the work site as a result of substance abuse, chemical dependency, addiction, alcoholism, or other personal problems. EAPs provide confidential services in short-term counseling and intervention, assessment and referral, and supervisory consultation and training. Employees are encouraged to self-refer and seek this confidential assistance from the EAP.
- D. **Impairment** - Behavior which indicates having a diminished capacity or inability to perform duties.
- E. **Illegal Drug** - Any drug which is not legally obtained.
- F. **Legal Drug** - Includes prescribed drugs, over-the-counter drugs or alcohol which have been legally obtained.
- G. **Reasonable Cause** - A belief, based on an observance of performance/behavior, that a staff member is impaired.
- H. **Student Support Program** - Refer to campus and community education and assistance programs and referral services which are available to students. Campus education services and programs may include health education programs, and campus-wide drug and alcohol education programs that are designed to inform students and other members of the campus community of the problems associated with the illegal use of alcohol and other drugs. Campus student assistance programs include student health services, counseling and psychological services, and drug and alcohol education programs that provide counseling, referral, and treatment for abuse of alcohol and other drugs. Students are encouraged to self-refer and seek assistance for substance abuse problems.
- I. **Voluntary Intervention** - Use of employee assistance by a staff member to resolve a personal or work performance problem before such a problem results in impairment or management involvement.

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- J. **Mandatory Intervention** - Action taken by designated facility requiring a staff member to be assessed for fitness of duty when impairment indicates a potential health or safety risk to the staff member or to others.
- K. **Substance Abuse** - Use of legal or illegal drugs in an inappropriate manner; substance misuse; substance dependence; use of any illegal substance.

V. STANDARDS:

A. Health risks associated with the use of drugs and the abuse of alcohol

1. Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even a low amount can significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate amounts of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high amounts of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high amounts cause respiratory repression and death. If combined with other depressants of the central nervous system, much lower amounts of alcohol will produce the effects described here.

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

Females 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 than are other youngsters.


2. Drugs

The link below provides a description of the uses and effect of various drugs
<https://www.dea.gov/factsheets>.

B. Substance Possession

The unlawful possession, manufacture, distribution or sale of illegal drugs or alcohol on Pacific Oaks premises or vehicles is prohibited and will result in corrective action up to and including termination.

Staff are responsible for knowing about and complying with the provisions of state and federal law that make it a crime to possess, sell, deliver or manufacture controlled substances. Any member of the Pacific Oaks community who violates the law is subject to prosecution by civil authorities as well as to disciplinary proceedings by Pacific Oaks.

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C. Substance Use

The use of illegal drugs on Pacific Oaks premises or vehicles is prohibited and will result in corrective action up to and including termination. Staff are discouraged from the use of illegal substances at any time. Use of illegal substances or abuse of legal substances off work time which results in impairment at work will result in action as described in the Impairment Section.

The use of alcohol at work is not permitted and alcohol consumption off work which results in impairment at work will result in action as described in the Impairment Section.

Staff who are taking legally prescribed and/or over-the-counter medications and report to work impaired which affect job performance, safety or the efficient operation of work will be subject to action as described in the Impairment Section.

D. Alcohol-on-the-Breath

Alcohol on the breath raises questions concerning a staff member's competence and will not be tolerated for any employee.

E. Drug Awareness Program

Periodically Pacific Oaks will inform staff about the dangers of drug and alcohol abuse in the workplace, its policy of maintaining a drug-free workplace, available drug counseling, rehabilitation and employee assistance program, and the penalties that may be imposed upon staff for drug or alcohol abuse violations.

VI. PROCEDURES

A. Impairment


The supervisor is responsible for taking appropriate action when a staff/faculty member demonstrates impairment; i.e., contacting a trained Administrator who can complete the Impairment Checklist to determine evidence of impairment.

NOTE: Falls, slips or injuries could be an indication of impairment. Supervisors who have concern about staff or faculty should consult with Human Resources for direction in managing their employee's safety.

B. Intervention

Voluntary Intervention

Pacific Oaks sponsored employee assistance program, (EAP) provides confidential, no cost to the employee assistance to help resolve alcohol or drug abuse and other personal/emotional problems. Use of employee assistance does not jeopardize an individual's employment or opportunities for promotion.

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Staff are encouraged to seek assistance from employee assistance before alcohol and drug problems lead to impairment.

Mandatory Intervention

If a staff/faculty member demonstrates impairment, Human Resources (for staff) or Academic Affairs (faculty) will intervene on a mandatory basis.

C. Rehabilitation

Pacific Oaks recognizes substance abuse as a treatable condition. Staff/faculty with this problem will normally be encouraged to participate in rehabilitation. However, there are positions that are of such a critical nature that substance abuse may be grounds for immediate termination. These positions include but are not limited to those positions which involve the public safety of the community; positions involving student contact or support and those positions which require the possession of a driver's license.

D. Drug Testing

Drug testing after initial hire will be conducted only where Pacific Oaks determines that reasonable cause exists to do so.

Under certain circumstances, Federal or State Agencies require staff to submit to drug testing. Pacific Oaks will cooperate to a reasonable extent with such agencies in these instances.

E. Involvement of Law Enforcement Agencies/Licensing Agencies

The use, sale, purchase, transfer, theft or possession of an illegal drug is a violation of the law. Pacific Oaks will refer such illegal drug activities to law enforcement, licensing and credentialing agencies when appropriate, and as authorized by law.


As a condition of employment, a staff member must notify Pacific Oaks if he or she is convicted of a criminal drug offense, including a plea of nolo contendere (no contest), occurring in the work place within five days after the conviction. Pacific Oaks must notify the granting agency of a staff member conviction within 10 days after learning of the conviction.

F. SANCTIONS:

Violations of this policy will result in disciplinary action or referral for prosecution according to local, state, and federal statutes, or both.

Disciplinary actions for violations by students will be determined by a Hearing Committee as specified in the policy governing Student Discipline and Grievances.

For faculty and staff employees, such actions will be administered according to Standards of Conduct, Separation of Employment and Corrective Action Policy or faculty policies, as appropriate. In any case, individuals are guaranteed fair process, including appeal.

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Lists of sanctions at the federal level can be found at the following website:

<https://www.law.cornell.edu/uscode/text/21/844>.

List of sanctions at the state/local level can be obtained from Human Resources (staff) or the Office of Academic Affairs (faculty) or Office of Student Services (students).

VII. RESPONSIBILITY:

A copy of this policy will be given to each new employee or student and periodic reminders of this policy issued thereafter, as required by law.

Pacific Oaks will conduct a biennial review of the program to determine its effectiveness and to ensure that the disciplinary sanctions described above are consistently enforced. Changes to this program will be implemented as needed.

The Vice President of Academic Affairs is responsible for administering the provisions of this policy for faculty, the Dean of Students is responsible for administering the provisions of this policy for students; the Associate Vice President of Human Resources is principally responsible for administering this policy for staff employees.

VIII. RELATED DOCUMENTS:

A California Sanctions

POLICY	
Policy Sponsor	_____ Date _____
Policy Committee (<i>Validation</i>):	_____ Date _____
President (<i>Final Approval</i>)	_____ Date _____