



Subject: Alcohol and Other Drug Resources & Policies

Recipients: All Students

Date: October 16, 2019

Dear Student,

This is a community message to ensure you are aware that the use of alcohol and other drugs can have a negative impact on the well-being of college students and on our USD community.

In an effort to educate, call our community to action, help those in need, and comply with Part 86 of the Drug-Free Schools and Campuses Regulations, this in-depth memorandum is being provided to the USD student community. I ask for your compliance with all alcohol and other drug policies and encourage your active participation in fostering a responsible, safe, and caring community. Please keep this memorandum as a resource for you to refer to throughout the academic year. This memorandum will outline the following:

1. A list of alcohol and other drug campus resources available to students including counseling, treatment and prevention resources
2. Applicable legal sanctions imposed under Federal, state, and local laws for unlawful possession or distribution of illicit drugs and alcohol
3. USD standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol
4. USD disciplinary sanctions for violations of the USD standards of conduct
5. A description of the health risks associated with the abuse of alcohol or use of illicit drugs.

1. ALCOHOL AND OTHER DRUG ON-CAMPUS RESOURCES:

Knowing how to cope with challenges and keeping yourself informed are important steps in successfully navigating the rigorous demands of college life.

Resources and referrals are available for students who have concerns regarding their own or someone else's use of alcohol and other drugs. For information and assistance, students are encouraged to contact one of the following offices:

Center for Health and Wellness Promotion

- Hahn University Center, Room 161
- 619-260-4618
- www.sandiego.edu/health-wellness

Counseling Center

- Saints Tekakwitha & Serra Hall, Room 300
- 619-260-4655
- www.sandiego.edu/counseling-center

Student Health Center

- Maher Hall, Room 140
- 619-260-4595
- www.sandiego.edu/health-center

USD Public Safety

- Hughes Administration Center, Room 151
- 619-260-7777 (non-emergency number)
- 619-260-2222 (24 hour emergency number)
- www.sandiego.edu/safety

- If you discover someone who is excessively intoxicated, unconscious, or in need of emergency assistance, do not hesitate to immediately dial the Department of Public Safety at 619-260-2222 (extension x2222 if on campus), or 911 if off campus. Doing so may save someone's life.

Further, USD provides useful and informative preventative educational experiences throughout the year. A variety of departments sponsor programs, workshops, and lectures on alcohol and other drug issues to support healthy lifestyles. For an up to date listing of events, refer to the You are USD webpage (sandiego.edu/youareusd/).

2. LEGAL SANCTIONS IMPOSED UNDER FEDERAL, STATE, AND LOCAL LAWS:

Federal, state, and local laws establish severe penalties for unlawful possession or distribution of illicit drugs and alcohol. These sanctions, upon conviction, may range from a small fine and probation to imprisonment, or both.

Under Federal law, the sanctions for possession and distribution of illegal drugs include the seizure and summary forfeiture of property, including vehicles. In addition, federal law penalties for illegally distributing drugs include life imprisonment and fines in excess of \$1,000,000. For a detailed list of federal penalties related to controlled substances, please visit:

www.deadiversions.usdoj.gov/21cfr/21usc/

California has a variety of state laws related to the unlawful possession or distribution of illicit drugs and alcohol. In California it is illegal for anyone under the age of 21 to consume, purchase, or possess alcohol. If you violate these laws you may be subject to penalties, which can include fines and suspension of driving privileges.

- For more information about California laws and the California Department of Alcoholic Beverage Control, please visit: www.abc.ca.gov/
- For information on California DUI penalties, please visit: www.dmv.ca.gov/portal/dmv/detail/pubs/hdbk/actions_aps_court
- For information on California alcohol laws related to underage drinking, please visit: <https://alcoholpolicy.niaaa.nih.gov/underage-drinking/state-profiles/california/56>
- For a comprehensive statement of all of California's alcohol laws, please visit: <https://www.abc.ca.gov/law-and-policy/abc-act/>

In addition to Federal and state laws, the City of San Diego has various ordinances related to the unlawful possession or distribution of illicit drugs and alcohol.

- For information on the San Diego Municipal Code, please visit www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.
- For more information about the San Diego Superior Court Standard Sentencing Guidelines, please visit: http://www.sdcourt.ca.gov/portal/page?_pageid=55,1643549&_dad=portal&_schema=PORTAL

Financial Aid Eligibility

The Higher Education Opportunity Act (HEOA) requires all institutions of higher education to provide enrolled students information on the penalties associated with drug-related offenses. A student who has been convicted under Federal or state law of possession or sale of a controlled substance, during a period of enrollment for which the student was receiving Title IV aid (Federal Pell Grant, Supplemental Education Opportunities Grant, Direct Subsidized or Unsubsidized Loan, Direct PLUS loan, Perkins Loan or Federal Work Study), is ineligible for Title IV aid. The periods of ineligibility, which begin as of the date of the conviction, are as follows:

If convicted of an offense involving the possession of a controlled substance, the ineligibility period is:

- First offense – 1 year
- Second offense – 2 years
- Third offense – Indefinite

If convicted of an offense involving the sale of a controlled substance, the ineligibility period is:

- First offense – 2 years
- Second offense – Indefinite

If a student was convicted of both possessing and selling a controlled substance, and the periods of ineligibility are different, the student will be ineligible for the longer period. If a student is convicted of possessing or selling a controlled substance, the student must notify the financial aid office immediately. If the student has received Title IV aid, the student must pay back all of

the Title IV aid received following the conviction. A student can regain eligibility by successfully completing an approved drug rehabilitation program.

3. USD STANDARDS OF CONDUCT:

USD standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol are outlined in the USD Alcohol and Drug Policy 2.3.1:

www.sandiego.edu/legal/policies/community/health/Alcohol.pdf and in the USD Student Code of Rights and Responsibilities: www.sandiego.edu/conduct/the-code/university-policies/.

The unlawful possession, use, distribution, sale, manufacture or promotion of illegal drugs, drug paraphernalia and alcohol, or willfully being under the influence of illegal drugs, is prohibited while on university property or as part of any university-sponsored or university-funded activity. Notwithstanding any California law 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.

Students who possess, use, or distribute illegal or controlled substances (e.g. marijuana, cocaine, methamphetamines, unauthorized prescription medications) are subject to fines, arrest, and imprisonment in accordance with University policies regarding illicit drugs and state and federal laws. Possession, consumption, or sale of beer or wine is only permitted at designated campus locations with prior written approval from the designated representative of the Vice President, Student Affairs.

The University of San Diego has an obligation to uphold the laws of the larger community of which it is a part. While the activities covered by the laws of the larger community and those covered by the University of San Diego's rules may overlap, it is important to note that the community's laws and the University of San Diego's rules operate independently and that they do not substitute for each other.

The University of San Diego may pursue enforcement of its own rules whether or not legal proceedings are underway or in process, and may use information from third party sources, such as, law enforcement agencies, news agencies, social media, and the courts, to determine whether University rules have been broken. Membership in the University community does not exempt anyone from local, state, or federal laws. The University of San Diego has the right, and obligation, to hold students to a higher standard than the law and prohibit behavior that is illegal.

As a member of the USD student community, you are responsible for your behavior and are fully accountable for your actions, both on and off campus. Students who violate these standards of conduct will face conduct proceedings. Sanctions for conduct violations are intended to be developmental in nature. Examples of potential sanctions include: warning, educational sanctions (i.e. classes, reflection papers, individual alcohol and other drug assessments, restorative conference), fines, loss of privileges, parent notification and university probation. Certain or repeated conduct violations may result in suspension or expulsion from the

University. Additionally, the University will cooperate with governmental authorities in criminal and civil actions.

The University prohibits smoking and the use of any smoking or tobacco products at all times on or in any USD-owned or USD-leased property or facility, either indoor or outdoor. Effective August 18, 2015, all USD property is smoking and tobacco free. For more information about the smoking and tobacco free policy, please visit www.sandiego.edu/smokefree/policy.php.

Residential Life, Athletics, Fraternity and Sorority Life and other programs may have additional policies regarding alcohol and other drugs. Please contact the relevant administrative offices for more information.

In accordance with FERPA 34 C.R.F. & 99.31 and the Higher Education Amendment of 1998, the parent(s) of a student who is under the age of 21 may be notified by a representative from the Office of Student Affairs in connection with the use or possession of alcohol and/or an illegal or controlled substance which is in violation of law or institutional policy.

The USD Department of Public Safety has the primary responsibility for the enforcement of both federal and state alcohol and drug laws on-campus, including enforcement of state underage drinking laws. The Department of Public Safety strictly enforces federal and state drug laws, which are also a violation of USD Policies and Procedures. Violators are subject to University disciplinary action, criminal prosecution, fine, and imprisonment. For additional information about the Department of Public Safety, please visit www.sandiego.edu/safety.

4. USD DISCIPLINARY SANCTIONS:

The University of San Diego will impose disciplinary sanctions on students for violations of any of the standards set forth in this document (including violations of: Federal, state, and local laws; the USD Alcohol and Drug Policy; and the Student Code of Rights and Responsibilities).

For a complete list of the range of possible sanctions, up to and including expulsion, please visit: www.sandiego.edu/conduct/the-code/sanctions.php.

5. ALCOHOL AND OTHER DRUG HEALTH RISKS:

The use and abuse of alcohol and other drugs can cause a number of problematic changes in behavior and physiology. Alcohol or other substance use disorders occur when a person continues their use despite recurrent social, interpersonal, physical, and/or legal consequences. For basic information about the health risks associated with the use of illicit drugs and alcohol abuse, please visit: www.sandiego.edu/health-wellness/resources/drug-health-risks.php.

For additional resources that describe the health risks associated with the use of illicit drugs and alcohol abuse, please visit:

- www.drugabuse.gov/drugs-abuse
- www.dea.gov/druginfo/factsheets.shtml

- www.niaaa.nih.gov/alcohol-health/alphabets-effects-body
- rethinkingdrinking.niaaa.nih.gov

If you would like to review the USD Alcohol and Drug Policy (2.3.1) and Resources letter sent to our staff and faculty, it can be found on the HR website (www.sandiego.edu/hr) under, “USD Policies”.

USD is committed to upholding the alcohol and other drug policies outlined in the USD Student Code of Rights and Responsibilities. These policies, combined with alcohol and other drug prevention programs, intervention resources and environmental management strategies, contribute greatly to the overall wellness and safety of both the individual student and the greater USD community.

Sincerely,

Melissa Halter, PhD
Assistant Vice President for Student Affairs for Student Wellness