



MEMORANDUM

To: All USD Employees—Faculty, Staff and Administrators

From: Karen Briggs, Associate Vice President and Chief Human Resources Officer

Date: December 2019

Re: USD Alcohol and Drug Policy (2.3.1) and Resources

Si prefiere leer esta nota en español, por favor [visite esta página](#).

In compliance with applicable law, this in depth memorandum regarding the unlawful possession or distribution of illicit drugs and alcohol is being provided to all faculty, staff, and administrators at the University of San Diego. Please keep this memorandum as a resource for you to refer to throughout the year. 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.

This memorandum will outline the following:

1. USD Standards of Conduct
2. USD Disciplinary Action
3. Information about Assistance Programs
4. Local, State, and Federal Legal Sanctions
5. Description of Health Risks

STANDARDS OF CONDUCT

It is the policy of the University of San Diego to provide a safe, healthy and productive educational and work environment for its students and employees. All university employees and students are required to adhere to this policy. In addition, individuals who are not university employees or students, but who perform work at or for the university, attend university activities or otherwise are on university property (including, but not limited to, independent contractors, volunteers, activity participants, visitors and guests) are required to comply with this policy. 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. Employees are prohibited from reporting to work or working under the influence of alcohol, illegal drugs, or controlled substances that are used illegally. The same prohibition applies to independent contractors, visitors, and others who perform work at USD or any university-sponsored or university-funded activities. An

individual is “under the influence” when his or her work performance, alertness, coordination, or response is impaired or diminished, or where the individual’s actions affect the safety of the individual or others.

If an employee or other individual subject to this policy is not able to perform his or her job responsibilities safely and effectively as a result of a legally-prescribed and/or over the-counter medication, it is the individual’s responsibility to inform his or her supervisor or Human Resources so that appropriate accommodations can be made.

Employees, students, and others subject to this policy are expected to comply with any other applicable student or departmental policies addressing the use or possession of alcohol. For information concerning what conduct is or is not prohibited, please contact Student Affairs, Auxiliary Services, or Human Resources.

At some university events, alcohol consumption will occur. Those who consume alcohol at university events are expected to comply with applicable laws and to conduct themselves in a professional, responsible and safe manner.

An employee who is convicted of a criminal drug-related or alcohol-related violation occurring in the workplace must notify Human Resources, which in turn will notify the vice president of the division in which the employee works at the university, no later than five (5) days after the conviction.

DISCIPLINARY ACTION

Violation of any of the standards set forth in this policy will result in appropriate disciplinary action, up to and including dismissal from the university and referral for prosecution. For those who are not students or employees of the university, disciplinary sanctions may include severance of the individual’s relationship with the university and referral for prosecution. For employees, a drug-related or alcohol-related conviction, even for off-campus conduct not part of university-sponsored or university-related activities, may result in disciplinary action, up to and including termination of employment, depending on the relevance of the conviction to the employee’s position, the severity of the offense, and other relevant circumstances.

GETTING HELP

Any student, employee, or other member of the university community who is concerned about substance use, abuse and rehabilitation is strongly encouraged to contact his or her family physician or health plan. In addition, confidential counseling services are available to students through the university’s Wellness area, including the Center for Health and Wellness Promotion, the Counseling Center, and the Student Health Center. Employees may seek help through the university’s Employee Assistance Program (EAP). Contact information for the university’s EAP can be found below. For more information about the university’s EAP, please contact the Human Resources Department. In accordance with applicable law, the university will reasonably

accommodate an employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, unless doing so presents an undue hardship to the university.

- To access the Employee Assistance Program directly, employees or their immediate family members may call the EAP at 1-800-342-8111 and indicate that they are covered by the University of San Diego.

To view the University of San Diego Alcohol and Drug Policy (2.3.1) in its entirety, please visit: <https://www.sandiego.edu/legal/policies/community/health/Alcohol.pdf>

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.deadiversion.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: <https://www.abc.ca.gov/>
- For information on California DUI penalties, please visit: https://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: <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>

- 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

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/alcohols-effects-body
- rethinkingdrinking.niaaa.nih.gov

If you would like to review the letter sent to our student community, it can be found on the CHWP website: www.sandiego.edu/health-wellness/