

LOYOLA LAW SCHOOL
HUMAN RESOURCES POLICIES AND PROCEDURES

DIVISION: Law School	
SUBJECT: Drug Free Campus	Page 1 of 5
Policy Number:	Supersedes: Drug Free Campus
Effective Date: 04/22/10	Previously Issued: 4/1/99

I. STATEMENT OF POLICY:

It is the policy of Loyola Law School to maintain a drug-free campus. This policy supports the Law School's commitment to "emphasizing the examination of the moral and ethical implications of all human actions." As a condition of continued employment, all Loyola Law School faculty and staff members are required to adhere to this policy.

II. POLICIES/PROCEDURES:

The use of drugs or alcohol may impair a faculty or staff member's job performance and create an unacceptable risk of error, injury or property damage. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale, offer to sell, purchase and/or use of alcohol or drugs (including "controlled substances" as defined by applicable law) on campus is prohibited. In addition, the Law School strictly prohibits faculty and staff members from being under the influence of alcohol and/or any drug while on duty or performing Law School business, including driving Law School-owned or leased vehicles. Legally prescribed medications are excluded from this rule but permitted only to the extent that the use of such medications does not adversely affect the safety of the faculty or staff member or others or impair the faculty or staff member's work ability or job performance.

For information regarding the health risks associated with the use of illicit drugs and abuse of alcohol, see "Appendix A" to this policy. For information regarding federal and state legal sanctions for unlawful possession or distribution of illicit drugs and alcohol, see "Appendix B" to this policy.

A. Violation of Policy

The Law School reserves the right to implement measures necessary to assess whether this policy has been violated which may include, but are not limited to, conducting drug and alcohol testing when a faculty or staff member's immediate supervisor or other member of Law School management has a reasonable suspicion that the faculty or staff member possesses or is under the influence of alcohol and/or illegal drugs.¹ A faculty or staff member found to be in violation of this policy shall be subject to discipline up to, and including, separation of employment.

B. Voluntary Treatment

A faculty or staff member seeking help for substance abuse can obtain assistance through LLS's group health, sick leave and/or disability plans. These plans offer confidential, professional counseling and referral and provide a constructive way for faculty and staff members to voluntarily deal with drug-related problems. The Student Health Center (Westchester) can provide assistance for student

¹ For additional information regarding the testing process, see the university Fitness for Duty policy.

employees, for a fee. The cost of treatment is the sole responsibility of the faculty or staff member. Assistance, however, is available to qualified faculty or staff members through the Law School's group health plan.

The Law School may grant a leave of absence to a faculty or staff member who requires treatment. The faculty or staff member must provide written proof of authorization for participation in a treatment program signed by a licensed medical practitioner. If a faculty or staff member requests time off to participate in such treatment, the Law School will make reasonable efforts to keep the fact that the faculty or staff member is in such treatment confidential. The faculty or staff member may use accrued sick and/or vacation pay as permitted or required by Law School policy.

Where appropriate, this leave shall be counted as part of, and shall run concurrently with, any leave the faculty or staff member may be eligible for under the federal Family Medical Leave Act and the California Family Rights Act. The leave will be subject to the provisions and rules that apply to such leaves, as applicable.

C. Special Requirements for Faculty or Staff Members Working on or with Federal Contracts or Grants

As an on-going condition of employment, grant/contracted faculty and staff members are required to abide by this prohibition, and to notify Human Resources of any criminal drug statute conviction they receive for a violation occurring in the workplace. Notification must be provided in writing no later than five days after such a conviction. If a grant/contracted faculty or staff member receives such a conviction, the Law School shall take appropriate disciplinary action against the grant/contracted faculty or staff member, up to and including termination, or require the grant/contracted faculty or staff member to participate satisfactorily in an approved drug-abuse assistance or treatment program. Information about drug counseling and treatment can be obtained from Human Resources.

APPENDIX "A"**DRUG/ALCOHOL RELATED INFORMATION AND NOTIFICATIONS**

Health Risks Associated with Use of Illicit Drugs and Abuse of Alcohol

1. Alcohol – Dehydration, hangover, overdose, obesity, respiratory failure, impotence, psychosis, ulcers, malnutrition, liver and brain damage, death.
2. Amphetamines – Nervousness, paranoia, hallucinations, dizziness, tremors, decreased mental ability, sexual impotence, insomnia, skin disorders, malnutrition, delusions, psychosis, seizures.
3. Barbiturates – Lethargy, hangover, blurred vision, nausea, depression, seizures, excessive sleepiness, confusion, irritability, severe withdrawal, sickness.
4. Caffeine – Nervousness, insomnia, dehydration, stomach irritation, fatigue.
5. Cocaine – Tremors, nasal bleeding and inflammation, toxic psychosis, seizures, damage to nasal septum and blood vessels, death.
6. Inhalants/Nitrates – Headaches, dizziness, accelerated heart rate, nausea, nasal irritation, cough, hallucination, liver and kidney damage, brain damage, death.
7. Marijuana – Fatigue, high blood pressure, increased heart rate, anxiety, panic attacks, possible lung damage, possible memory and learning problems.
8. Narcotics – Respiratory and circulatory depression, dizziness, vomiting, sweating, dry mouth, lowered libido, lethargy, constipation, weight loss, temporary sterility and impotence, withdrawal, sickness, stupor, death.
9. Nicotine – High blood pressure, emphysema, bronchitis, heart and lung disease, cancer, death.
10. Psychedelics – Impaired driving ability, possible lung damage, reduced sperm count, damage from impure dose, depression, paranoia, exhaustion, psychosis.
11. Salvia divinorium – Hallucinations, paranoia, dizziness, tremor; headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, abdominal cramps, agitation, hostility, panic and aggression.
12. Tranquilizers – Hangover, menstrual irregularities, destroys blood cells, jaundice, coma, death.

APPENDIX "B"**FEDERAL AND STATE LEGAL SANCTIONS FOR
UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL**Federal Laws

- a) Possession of Illicit Drugs
 - (1) Federal laws prohibit illegal possession of controlled substances.
 - (2) First offense: prison sentences up to one year and up to \$100,000.
 - (3) Second offense: prison sentences up to two years and fines up to \$250,000.
 - (4) Special sentencing provisions apply for possession of crack cocaine, including imprisonment of five to 20 years and fines up to \$250,000 for first offenses, depending upon the quantity of crack possessed.
- b) Trafficking of Illicit Drugs
 - (1) Under federal law, the manufacture, sale or distribution of all Schedule I and II illicit drugs (e.g., cocaine, methamphetamines, heroin, PCP, LSD, Fentanyl, and all mixtures containing such substances) is a felony. First offense: prison sentences of five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals).
 - (2) Federal law also prohibits trafficking in marijuana, hashish and mixtures containing such substances.
 - (a) First offense: maximum penalties range from five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Penalties vary depending upon the quantity of drugs involved.
 - (b) Second offense: penalties range from 10 years to life (not less than life if death or serious injury is involved), and fines of up to \$8 million for individuals (\$20 million for other than individuals).
 - (3) The illegal trafficking of medically useful drugs (e.g., prescription and over-the counter drugs) is illegal.
 - (a) First offense: prison sentence of up to five years.
 - (b) Second offense: prison sentence of up to 10 years.

State of California Laws

- a) Alcohol
 - (1) It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person.
 - (2) It is a crime for a person under age 21 to purchase or possess alcoholic beverages.
 - (3) It is a crime to sell alcohol without a valid liquor license or permit.

(4) It is a crime for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol.

(5) It is a crime to be intoxicated in a public place.

(6) Intoxication is presumed at blood levels of .08% or higher, and may be found with blood alcohol levels from .05% to .08%.

b) Penalties for Drunk Driving Offenses:

(1) First offense: required attendance at an alcohol/drug program, fines of up to \$1,000, up to six months in jail and driver's license suspension up to six months.

(2) Second offense: fines up to \$1,000, imprisonment up to one year, driver's license suspension up to 18 months and/or a required drug/ alcohol program of up to 30 months.

(3) Third offense: similar sanctions to one and two plus revocation of driver's license.

(4) Fourth offense: revocation of driver's license; one year in a state prison or county jail.

(5) Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within seven years, and for three years with three or more offenses within seven years.

(6) Drivers under the age of 21 found with any measurable amount of blood alcohol will have their driver's license suspended for one year. If the driver does not have a license, there will be a one-year delay in obtaining one.

c) Illicit Drugs

Under California law, first offenses involving the sale or possession for sale of amphetamines, barbiturates, codeine, cocaine, Demerol, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, Quaalude, psilocybin and marijuana are felonies carrying prison terms of seven years or more. Penalties are more severe for offenses involving the manufacture or distribution of illegal drugs by convicted felons or for distribution within 1,000 feet of a school or university, within 100 feet of a recreational facility, to anyone under 18 by anyone over 18, or to a pregnant woman. Personal property may be seized if it contains drugs or was used in a drug transaction. The illegal possession of most of the above-mentioned drugs is also a felony. Some may be felonies or misdemeanors depending upon amounts involved. Penalties for possession carry maximum prison sentences of up to seven years.