

CALIFORNIA UNIVERSITY'S STATEMENT TO EMPLOYEES REGARDING POLICY, STANDARD OF CONDUCT & PROGRAMS IN SUPPORT OF THE DRUG-FREE SCHOOLS ACT

We strongly encourage each Cal U employee to read and become thoroughly familiar with this statement. The Drug-Free Schools and Campuses Regulations require that California University of Pennsylvania (Cal U) distribute this information in writing to all employees annually. This document provides information concerning:

- California University's **BILL OF RIGHTS AND RESPONSIBILITIES**.
- The Commonwealth of Pennsylvania's **SUBSTANCE ABUSE POLICY**.
- Applicable legal **SANCTIONS** under federal, state, or local law for the unlawful possession or distribution of illicit drugs and alcohol, including a clear statement that the institution will impose disciplinary sanctions on employees (consistent with federal, state, or local law), and a description of those sanctions, up to and including termination of employment and referral for prosecution, for violations of the standards of conduct.
- The **HEALTH RISKS** associated with the use of illicit drugs and the abuse of alcohol.
- Alcohol or other drug counseling, treatment, rehabilitation, and re-entry **TREATMENT RESOURCES** available to employees.

Cal U is committed to providing a substance-free campus. In fact, the University prohibits the possession, use or sale of alcohol and other mind-altering substances on campus. Cal U, as required by the Drug-Free School and Communities Act Amendments of 1989 (Public law 101-226), hereby declares that the unlawful manufacture, possession, use or distribution of illicit drugs and alcohol by students and employees is prohibited at any university activity, either on or off campus.

BILL OF RIGHTS AND RESPONSIBILITIES

Cal U works to achieve its mission of Building Character and Careers by fostering an environment that encourages learning, both in and out of the classroom. The adoption of the Core Values of Civility, Integrity and Responsibility is an effort to achieve an educationally supportive environment by your voluntary commitment to live by these values. In addition to the Core Values, the University has adopted a Bill of Rights and Responsibilities that describes the commitments we should make with each other as members of the University community:

We have the right to safety and security.

We have the responsibility to ensure the safety and security of others.

We have the right to be treated with respect.

We have the responsibility to treat others with respect.

We have the right to expect the best.

We have the responsibility to give our best.

We have the right to be treated fairly.

We have the responsibility to treat others fairly.

It is hoped that employees will reflect on the Bill of Rights and Responsibilities and determine how these commitments can be incorporated into their lives.

COMMONWEALTH SUBSTANCE ABUSE POLICY

The following language is from Management Directive 505.25:

Who's Covered?

All Commonwealth employees are expected to comply with this policy.

Prohibited Behavior

- Reporting to work or remaining at work in an unfit condition.
- Inappropriate use of alcohol or other controlled drugs while on duty or in any Commonwealth workplace.
- Unlawful manufacture, distribution, dispensation, possession, or use of alcohol or other controlled drugs while on duty or in any Commonwealth workplace.

Other Policy Requirements

- Employees are to receive information on the dangers associated with alcohol and drug use in the workplace.
- Agencies are to take appropriate action, including discipline, when a violation occurs.

SANCTIONS

The following language is from Management Directive No. 505.7, Chapter 13:

GENERAL STANDARDS OF CONDUCT

13.1 Personal Conduct.

(a) No employee of the commonwealth is to engage in scandalous or disgraceful conduct, or any other behavior, on or off duty which may bring the service of the commonwealth into disrepute. Violations of this nature or violations of the commonwealth's human resources management rules may result in disciplinary action.

(b) Agencies, with the approval of the Secretary of Administration, may establish standards of conduct deemed necessary for the effective operation of that agency. These standards will be communicated to employees and the consequences of violations made known. An employee may be expected to be aware without such notice that certain conduct such as insubordination, coming to work in an unfit condition, theft of property of the commonwealth or others in the workplace and fighting are serious offenses that will subject the employee to immediate discipline.

13.2 Unlawful or Illegal Conduct.

(a) Perpetrators of any illegal or unlawful act committed on state government premises will be referred to the proper authorities for prosecution in accordance with the law.

(b) As soon as practicable after an employee has been formally charged with criminal conduct related to his or her employment with the commonwealth or which constitutes a felony, such employee will be suspended without pay. If such charge results in conviction in a court of law, such employee will be terminated.

(c) As soon as practicable after an employee is formally charged with criminal conduct other than a felony and not related to his or her employment with the commonwealth, the head of the agency which employs such person, or his or her designee, will conduct an inquiry and make a preliminary determination as to whether or not the employee is to continue to perform his or her duties pending the outcome of the investigation and final determination.

Alcohol and the Law

California University is concerned for the well-being and safety of its students and employees and those they interact with and believes that they should be informed of the consequences that may confront them when using alcohol and other drugs. The following information is not intended to be legal advice, but merely conveys general information related to alcohol use as it may relate to the law.

PUBLIC DRUNKENNESS

Section 5505 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol... to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

Penalty	1 st Offense
Fine	0-\$300
Jail	0-90 days

SELLING OR FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO MINORS

Section 6310.1 of the Pennsylvania Crimes Code (Title 18)

A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or... furnishes or purchases with the intent to sell or furnish any liquor or malt or brewed beverages to persons less than 21 years of age.

This section does not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonable, customarily and traditionally required as an integral part of the service or ceremony.

Penalty	1 st Offense	2 nd Offense and Subsequent Offenses
Fine	\$1000-\$2500	\$2500

Jail	0-1 year	0-1 year
------	----------	----------

**SELLING OR FURNISHING NONALCOHOLIC BEVERAGES
TO PERSONS UNDER 21**

Section 6310.7 of the Pennsylvania Crimes Code (Title 18)

A person commits a summary offense if he intentionally and knowingly sells or furnishes nonalcoholic beverages to any person less than 21 years of age.

As used in this section, the term “nonalcoholic beverage” means any beverage intended to be marketed or sold as nonalcoholic beer, wine or liquor having some alcohol content but not containing more than 0.5% alcohol by volume.

Penalty	
Fine	0-\$300
Jail	0-90 days

RESTRICTION ON ALCOHOLIC BEVERAGES

Section 7513 of the Pennsylvania Crimes Code (Title 18)

It is unlawful for any person who is an operator or an occupant in any motor vehicle to be in possession of an open alcoholic beverage container or to consume any alcoholic beverage or controlled substance... in a motor vehicle while the motor vehicle is located on any highway in this commonwealth.

This section does not prohibit possession or consumption by passengers in the passenger areas of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation, including buses, taxis and limousines, or persons in the living quarters of a house coach or house trailer.

Any person who violates this section commits a summary offense.

Penalty	
Fine	0-\$300
Jail	0-90 days

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE

Section 3802 of the Pennsylvania Vehicle Code

Pennsylvania has set .08% Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions. This law became effective September 30, 2003. Information concerning driving under the influence of alcohol or a controlled substance is available through the Pennsylvania Liquor Control Board web site at www.lcb.state.pa.us.

Disclaimer: This information is not intended to be legal advice, but merely conveys general information related to drinking and driving. For more information, please contact your local District Attorney’s Office or a private attorney.

- A person shall not drive, operate or be in actual physical control of the movement of any vehicle:
- While under the influence of alcohol to a degree which renders the person incapable of safe driving;
 - While under the influence of any controlled substance . . . to a degree which renders the person of incapable of safe driving;
 - While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving; or
 - While the amount of alcohol by weight in the blood of the person who is an adult is 0.08% or greater or a minor is 0.02% or greater.

It is considered prima facie evidence if an adult has 0.08%, a minor has 0.02% or anyone operating a commercial vehicle has 0.04% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of said vehicle. For the purpose of this section, the chemical test of the sample of the person’s breath, blood or urine shall be from a sample obtained within two hours after the person drove, operated or was in actual physical control of the vehicle.

In some cases, first time DUI offenders may be eligible for the Accelerated Rehabilitative Disposition (ARD) program. Offenders **may not be eligible** for the ARD Program if they:

- Have been convicted of a DUI within the past ten (10) years
- Have seriously injured or killed someone as the result of a DUI crash or
- Have been charged at the time of a DUI with other specific serious vehicle violations.

In addition, the District Attorney may have other requirements that may disqualify someone from ARD.

The ARD program consists of the following:

- up to 12-month license suspension
- community service
- restitution
- 6-month court supervision
- attendance at Alcohol Highway Safety School and its costs
- CRN evaluation
- court and administrative costs
- treatment and other conditions that a judge may impose

OPERATION IN SAFE MANNER
Section 7726 of the Pennsylvania Vehicle Code

No person shall operate a snowmobile or an ATV in any of the following ways:

- At a rate of speed that is unreasonable or improper under existing conditions or in excess of the maximum limits posted for vehicular traffic
- In any careless way so as to endanger the person or property of another
- While under the influence of alcohol or any controlled substance.

No owner or other person having charge or control of a snowmobile or ATV shall knowingly authorize or permit the operation of the snowmobile or ATV by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.

Penalty	1 st Offense	Subsequent Offenses
Fine	\$50-\$200	\$100-\$300

HEALTH RISKS

There are definite health risks associated with the use of alcohol and illegal substances. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse may be immediate and unpredictable, such as cardiac arrest with cocaine use, or more subtle and long term, such as liver deterioration associated with the prolonged use of alcohol. In addition to health related problems, other concerns relating to substance abuse include the following:

Alcohol

Addiction, liver disease, Fetal Alcohol Syndrome, higher normal rates of peptic ulcers, pneumonia, cancer of the digestive and respiratory tracts, heart and artery diseases, accidents.

Cocaine

Addiction, heart seizures, stroke, lung damage, severe depression, paranoia, anxiety.

Marijuana

Impaired short-term memory, psychological addiction, paranoia, increased heart rate, lung cancer, affects respiratory and reproductive systems, suppresses the immune system.

Hallucinogens (LSD, PCP, Ecstasy, Special K)

Dependence, unpredictable behavior, flashbacks, psychoses, affects heart rate and respiratory system.

Depressants

Addiction, muscle rigidity, possible overdose (barbiturates), interferes with REM phase of sleep.

Stimulants

Addiction, paranoia, depression, confusion, possible hallucinations, weight loss, dehydration, psychiatric problems, higher rate of liver and heart disease.

Narcotics

Addiction, lethargy, weight loss, depressed central nervous system, heart and lung abnormalities, hepatitis, AIDS (non-sterile needles), reduction of visual activity, constriction of pupils.

Inhalants

Affects coordination, unconsciousness, suffocation, damage to brain and central nervous system, sudden death, respiratory depression.

Steroids

Increased blood pressure, baldness, skin problems, liver toxicity and cancer, arteriosclerosis, insomnia, loss of elasticity in tendons and ligaments, shrinkage of testicles, decreased sperm count, fluid retention, pore enlargement increased aggressiveness.

TREATMENT RESOURCES

The **State Employee Assistance Program (SEAP)** and the Commonwealth are committed to early intervention and treatment when employees have problems. Employees are encouraged to seek assistance before a problem occurs in the workplace.

SEAP provides free and confidential assistance for a wide array of work and personal problems. Employees and their family members can access services 24 hours a day, seven days a week. The SEAP professionals will work with you to find the most appropriate service to meet your personal needs. SEAP not only can help you with substance abuse and mental health problems, but also can assist with financial, legal, and other personal problems as well. As a self-referral, you are assured total confidentiality, and no one in the workplace will ever be informed without your expressed written consent.

The SEAP program may also be considered an option when an employee has violated the Commonwealth's Substance Abuse Policy or has reached the point of being terminated. In review of the mitigating circumstances of the case, the Commonwealth may determine that with SEAP intervention, a problem may possibly be corrected and the employee retained. In cases where management chooses to offer a SEAP referral as a Condition of Continued Employment (COCE), the employee has the right to accept or reject the offer.

Remember: In most cases, without intervention, problems get worse, not better.

What happens if...

- **I have been arrested and convicted of a crime as defined in the policy?**
 - You must report the conviction within five days to your supervisor. If you are not terminated, you may be disciplined and will be required to participate in SEAP as a COCE.
- **I have been found to have violated the Commonwealth's Substance Abuse Policy but I have not been arrested or convicted?**
 - In accordance with University procedures, you may be subject to discipline up to and including termination. You may also be required to participate in SEAP as a COCE.

Do you know?

Conviction means a finding of guilty, including a plea of *nolo contendere*, disposition in lieu of trial, probation without trial, and Accelerated Rehabilitative Disposition (ARD).

SEAP provides three FREE visits for employees and their family members. For a free referral, call the confidential SEAP hotline at 1-800-692-7459 (1-800-824-4306 TDD).

Other Community Resources:

AL-ANON

800-425-2666

Support for friends and family of alcoholics

ALCOHOLICS ANONYMOUS

724-489-0740

Peer support in dealing with alcoholism

GATEWAY

800-472-1177

Substance abuse and addiction treatment and free evaluation

GREENBRIAR

800-637-4673

Substance abuse and addiction treatment

NARCOTICS ANONYMOUS

412-391-5247

Peer support in dealing with drug abuse

S.W. PA HEALTH SERVICES

724-489-9100

Alcohol and other drug treatment services