DRUGS AND ALCOHOL

In accordance with applicable law, the College maintains a drug-free workplace policy. The use or abuse of alcohol and other drugs, whether on or off the job, can adversely affect an employee’s work performance, efficiency, safety and health, and constitutes a potential danger to the welfare and safety of others. Further, the use of these substances increases the risk for a number of health-related and other medical, behavioral, and social problems. The College believes the following policy will assist in providing a safe, drug-free, secure environment for the protection of our employees and students.

Rules and Standards of Conduct

The following rules and standards of conduct apply to all employees:

- Employees are prohibited from unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using illegal drugs or controlled substances at any time either during work hours or non-work hours, including meal and break periods. Employees are expected to report to work unimpaired by illegal or controlled substances.

- The College will not condone abusive or inappropriate use of alcohol, including incidence of drunkenness or any level of intoxication during normal work hours or while performing work for the College. Employees are expected to report to work unimpaired by alcohol.

- The College is not a “dry” campus. On occasion, the College hosts or facilitates events where alcohol is served. While participating in business related or College social events where alcohol is served, employees are expected to use good judgment in consuming alcohol, drink moderately, remain responsible, professional and sober at all times, and abide by all state and federal laws related to alcoholic beverages, including laws which prohibit the operation of a vehicles while under the influence.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee’s job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisor and/or Human Resources if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. For more information on how to request a reasonable accommodation, please refer to the College’s Reasonable Accommodation Policy.

Employees who violate these rules and standards of conduct may be subject to discipline, up to and including termination of employment and may be referred for prosecution for unlawful conduct. The College also supports enforcement, by applicable law enforcement agencies, of all local, state and federal laws and ordinances. Violations of local, state, and federal laws and ordinances for unlawful possession or distribution of drugs and alcohol may result in misdemeanor or felony convictions and/or the imposition of other legal sanctions, including but not limited to fines, imprisonment, forfeiture of personal and real property, loss of driving privileges, and required attendance at substance abuse education or treatment programs.
Specific Laws and Regulations

California State Alcoholic Beverage Laws and Penalties

All colleges must abide by federal, state and local laws and all campus policies incorporate such
laws into college life. The laws of the State of California specify that people under the age of 21
may not consume, possess or distribute alcohol. In addition, it is unlawful for any person to sell,
furnish or give any alcoholic beverage to anyone under the age of 21. Minors who use false
identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance
with state and local laws, Occidental prohibits the illegal use of alcohol on College property and
as part of any College-sponsored activity (on- or off-campus).

Violations of federal, state or local law, even within regularly scheduled College facilities, occur
at the risk of the individuals and are not the responsibility of the College.

California laws regarding the use of alcoholic beverages are highlighted below and are accurate
as of June 2017. The laws are abbreviated for general use and may not cover all situations. It is
the responsibility of the server or consumer of alcoholic beverages to be aware of, and abide by,
all federal, state and local laws and ordinances.

Examples of common offenses and penalties include:

1. **Open Container**: Possession of any can, bottle, or other receptacle containing any
   alcoholic beverage that has been opened, or a seal broken, or the contents of which have
   been partially removed, in any city and county owned public place can result in a fine
   (California Business And Professions Code section 25620 (a)).

2. **Driving Under the Influence (DUI)**: Driving under the influence with a blood alcohol
   content (BAC) level of .08 or higher or driving under the influence of a drug or
   combination of both is a misdemeanor with possible fines, county prison sentence, and
   driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).

3. **Cycling Under the influence (CUI)**: Bicycling under the influence of an alcoholic
   beverage can result in jail sentencing and a base fine of $250. Riders under 21 may also
   lose their driver's license for one year (California Vehicle Code section 21200.5).

4. **Providing False Identification**: Attempting to purchase alcohol using false identification
   can result in jail time and a minimum fine of $250 or community service hours
   (California Business and Professions Code section 25661).

5. **Selling Alcohol without a License**: is a misdemeanor (California Business and
   Professions Code section 23301).

6. **Drunk in Public (DIP)**: Public intoxication is considered disorderly conduct, which is a
   misdemeanor offense and can result in jail time and a fine (California Penal Code section
   647(f)).

7. **Furnishing Alcohol to a Person Under 21 or an Intoxicated Person**: Selling or furnishing
   alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor
   (California Business and Professions Code section 25658).
8. For Employees under the age of 21, the following shall apply:

A. Minor in Possession (MIP): Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of $250 or the person shall be required to perform not less than 24 hours or more than 32 hours of community service hours (California Business and Professions Code section 25662 (a)).

D. Driving Under the Influence (DUI) While Under Age 21: Drivers under 21 with a BAC of .05 or higher can have their vehicles towed and driver's license suspended, be charged a fine, and be required to complete a mandatory alcohol education program of three months or longer (California Vehicle Code sections 23136 and 23140).

C. Under 21 Purchase of Alcohol: Any person under the age of 21 years who purchases any alcoholic beverage in any on-sale premises (e.g., bar or licensed club or restaurant) is guilty of a misdemeanor (California Business and Professions Code section 25658(b)).

Drug Offenses and Penalties

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to $25,000 for unlawful distribution or possession with intent to distribute illegal drugs. For the unlawful possession of illegal drugs, a person is subject to up to one year of imprisonment and fines up to $5,000. Any person who unlawfully distributes an illegal drug to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fined otherwise authorized by law.

The unlawful use, possession, distribution, manufacturing, or dispensing of illegal drugs is prohibited by Occidental College. Criminal Sanctions under California Law for the unlawful possession or distribution of illegal drugs and alcohol include the following:

1. Possession of Controlled Substances: Imprisonment in county jail for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).

2. Selling of Controlled Substances: Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine (Health and Safety Code Section 11351).

3. Possession of Marijuana: A person in possession of less than 28.5 grams of marijuana is subject to an infraction and may be fined; possession of more than 28.5 grams shall be punished by imprisonment in county jail and/or a fine (Health and Safety Code Section 11357).

4. Possession with Intent to Sell Marijuana: shall be punished by imprisonment (Health and Safety Code Section 11359).

5. Distribution of Prescription Drugs: it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription (Business and Professions Code Section 4051 (a)).
6. Under the Influence of Controlled Substance: No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to up to one year in a county jail up to five years of informal probation, drug counseling and/or community service. (Health and Safety Code Section 11550 (a)).

Health Risks
The risks associated with the use of illegal drugs and other substances and the abuse of alcohol and pharmaceuticals are numerous and include short-term and long-term physical and mental impairment, emotional and psychological deterioration, and potentially devastating effects on family, friends, and colleagues. Potential health risks include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. Other potential risks include sustaining or causing personal injury, being charged with driving under the influence or while intoxicated, and poor job performance. Further information about the health effects of alcohol is included in Appendix A of this Handbook. Further information about the health effects of controlled substances is included in Appendix B of this Handbook.

Testing
To the full extent permitted by law, the College reserves the right to require all applicants for employment to submit to testing procedures designed to detect the presence of illegal drugs and/or alcohol. Further, to the full extent permitted by law, the College reserves the right to test current employees for illegal drugs or alcohol, in cases where the College has reasonable suspicion that the employee is violating this policy. If an employee refuses to submit to such a test, refusal will be treated as the same as a positive test result.

Treatment and Rehabilitation
The College encourages and will reasonably accommodate employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation, including through an unpaid leave where such leave would constitute a reasonable accommodation. Employees may also use any accrued, unused sick leave and vacation before taking unpaid leave for this purpose. Please note that, if time off qualifies for a Family and Medical Leave, the employee is required to use applicable Family and Medical Leave and the time will be counted against the employee’s entitlement under the Family and Medical Leave Act and California Family Rights Act.

It is the responsibility of each employee to seek and accept assistance before alcohol and drug problems lead to corrective action, including termination. An employee’s decision to seek assistance before alcohol and drug problems lead to disciplinary action will not be used as the basis for corrective action and will not be used against the employee in any disciplinary proceedings. At the same time, performance standards must be maintained, and alcohol or drug abuse will not be an acceptable excuse for performance that requires corrective action. Employees who wish to discuss options for treatment and/or rehabilitation related to chemical dependencies may contact Danita Maxwell, Director, Human Resources. In addition, the College provides an Employee Assistance Program ("EAP") for full-time employees. Employees who do not wish to contact Human Resources may contact the EAP provider directly at 1-800-854-1446 (English); 1-877-858-2147 (Spanish); or 1-800-999-3004 (TTY/TDD).
Alcohol Use and Your Health

Drinking too much can harm your health. Excessive alcohol use leads to about 88,000 deaths in the United States each year, and shortens the life of those who die by almost 30 years. Further, excessive drinking cost the economy $249 billion in 2010. Most excessive drinkers are not alcohol dependent.

What is considered a “drink”?  

<table>
<thead>
<tr>
<th>U.S. Standard Drink Sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 ounces 5% beer</td>
</tr>
<tr>
<td>8 ounces 7% malt liquor</td>
</tr>
<tr>
<td>5 ounces 12% wine</td>
</tr>
<tr>
<td>1.5 ounces 40% (80 proof) distilled spirits</td>
</tr>
</tbody>
</table>

(examples: gin, rum, vodka, whiskey)

Excessive alcohol use includes:

- **Binge Drinking**: For women, 4 or more drinks consumed on one occasion. For men, 5 or more drinks consumed on one occasion.

- **Heavy Drinking**: For women, 8 or more drinks per week. For men, 15 or more drinks per week.

- **Any alcohol used by pregnant women**

- **Any alcohol used by those under the age of 21 years**

If you choose to drink, do so in moderation:

- **For Women**, up to 1 drink a day
- **For Men**, up to 2 drinks a day

Don't drink at all if you are under the age of 21, or if you are or may be pregnant, or have health problems that could be made worse by drinking.

No one should begin drinking or drink more frequently based on potential health benefits.
Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems.

**Short-Term Health Risks**

**Injuries**
- Motor vehicle crashes
- Falls
- Drownings
- Burns

**Violence**
- Homicide
- Suicide
- Sexual assault
- Intimate partner violence

**Alcohol poisoning**

**Reproductive health**
- Risky sexual behaviors
- Unintended pregnancy
- Sexually transmitted diseases, including HIV
- Miscarriage
- Stillbirth
- Fetal alcohol spectrum disorders (FASDs)

**Long-Term Health Risks**

**Chronic diseases**
- High blood pressure
- Heart disease
- Stroke
- Liver disease
- Digestive problems

**Cancers**
- Breast
- Mouth and throat
- Liver
- Colon

**Learning and memory problems**
- Dementia
- Poor school performance

**Mental health**
- Depression
- Anxiety

**Social problems**
- Lost productivity
- Family problems
- Unemployment

**Alcohol dependence**
