

IX. ALCOHOL AND DRUG POLICY

I. PREFACE

California Western School of Law (“California Western” or “School”) strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its members concerning the use of alcohol. California Western recognizes that the consumption of alcohol in moderation by persons of legal drinking age can be a component of the social environment at the school. In compliance with federal law consistent with the School’s commitment to a drug-free work and education environment, the following Policy applies to all students and employees.

The purposes of this Policy are to offer a set of fundamental principles and to define acceptable and unacceptable behavior with regard to alcohol and other drugs in the School, thereby promoting and fostering a professional environment on campus where moderate consumption of alcohol may be allowed. The following outlines the risks associated with alcohol and other drug abuse and the School’s response to this unacceptable behavior.

Abuse of alcohol and drugs in the academic environment is detrimental to the maintenance of an effective academic program, quality academic performance, and institutional reputation. Such abuse is further detrimental to the health and safety of students, faculty, staff, and visitors to campus. California prohibits the illegal and irresponsible use of alcohol and other drugs. The School will enforce federal, state, and local laws as well as its own alcohol and drug policies. Procedures that support these laws and policies will be instituted and strictly enforced.

California Western explicitly recognizes that its students are adults, are in academic preparation for entry into the legal profession, and are expected to obey the law and to take personal responsibility for their conduct in compliance with the law, this Policy, and the Student Honor Code. California Western hereby fully disclaims any intention to assume a duty to protect students against their own abuse of alcohol or drugs, or to protect third persons from the conduct of students. California Western employees are expected to obey the law and to take personal responsibility for their conduct in compliance with the law, this Policy, and any other applicable policies and procedures. Where individual conduct warrants, however, the School will discipline students and employees if the use of alcohol or drugs threatens to create a public disturbance, disorder, property damage, or danger to the student or employees themselves or to others. Appropriate disciplinary action will be taken, up to and including expulsion or discharge, and appropriate legal authorities will be informed when a student or employee’s illegal use of alcohol or drugs comes to the attention of the School. Violations will be handled according to the procedures set forth in the Student Honor Code, the Employee Handbook, or the Faculty Handbook.

II. ALCOHOL POLICY

The possession and consumption of alcoholic beverages on the California Western campus and at CWSL sponsored events are governed by appropriate federal, state and local laws, and by this Policy. California Western policies and California State law restrict the sale, consumption or furnishing of alcohol on campus and at CWSL sponsored events. The California Department of Alcohol and Beverage Control (“ABC”) enforce laws regarding the sale, consumption and furnishing of alcohol. Adherence to alcohol laws is part of the School Policy. California Western expects and requires that every organization and individual shall act in conformity with appropriate laws and this Policy, and in so doing will engage in responsible behavior.

On campus and at CWSL sponsored events, permission to serve alcohol at any time must be obtained, in writing, from the Assistant Dean for Student & Diversity Services for events where students will be present and from the V.P. of Administration for all other events. Alcohol may be served in accordance with the rules set forth in the "Policy for Room Bookings" and it may be served solely at invitation-only, private functions hosted by authorized users of the booked space.

A. Prohibited Conduct

It is unlawful to sell, furnish or give away alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this Policy for anyone under the age of 21 to possess or consume alcohol in any area of the School. Bringing alcohol into a classroom or any part of the campus other than a designated area is prohibited.

B. Health Risks

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

The risks associated with the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration and devastating effects on family, friends, and fellow classmates. There are obvious risks such as suffering a hangover, being charged with driving under the influence or while intoxicated, and sustaining or causing personal injury. In addition to the risk to the abuse of alcohol are the risks to fellow classmates and the public. There are a number of less obvious risks associated with alcohol and the other drug abuse students and employees might not realize, including:

- Poor academic performance.
- Poor job performance.
- Poor social interactions.
- Unwanted and inappropriate sexual activity.
- Sexually transmitted diseases.
- Unplanned pregnancy.
- Jeopardizing future career prospects (i.e. completing law school, admission to the state bar, and employment with the federal government).

C. Alcohol Policy Violations

At California Western, any student or employee determined to have violated this Policy will be subject to disciplinary action. Penalties may include suspension or dismissal. Depending on the nature and seriousness of the infraction, the authorities may be contacted for criminal prosecution. Students or employees also may be required to participate in and/or successfully

complete a drug or alcohol evaluation, assistance or rehabilitation program, either in conjunction with such discipline or otherwise.

Under the Student Reporting Requirements (Disclosure Statement), students have an obligation to notify the Vice Dean for Academic and Student Affairs immediately if they are “apprehended, cited, arrested, taken into custody for, charged with, indicted, or tried for, or plead guilty or no contest (nolo contendere) to, the commission of any felony or misdemeanor or the violation of any law, except for minor traffic violations unrelated to the use of intoxicants.” For example, students must report any arrests or citations for alcohol or drug violations to the Vice Dean for Academic and Student Affairs.

III. DRUG-FREE WORKPLACE AND CAMPUS ENVIRONMENT

In compliance with federal law consistent with the School’s commitment to a drug-free work and education environment, this Policy applies to all students and employees of California Western. Students and employees are expected to comply with local and state laws pertaining to alcoholic beverages, controlled substances and illegal drugs.

In addition, the unlawful manufacture, distribution, sale, possession, consumption, use or transportation of alcoholic beverages, controlled substances and illegal drugs and/or possession of drug paraphernalia by any student or employee on School property, at any School-sponsored student activity, or at School approved events or activities off campus shall be strictly prohibited. This may include possession of alcoholic beverage containers. Both state law and the School’s policies prohibit the purchase, possession, and/or consumption of alcohol by any person under the age of 21.

A. Drug Abuse

Drug abuse, which includes the unlawful manufacture, possession, distribution, dispensation, or use of controlled or prohibited drugs on school premises, is strictly prohibited. Violations will result in appropriate disciplinary action up to and including dismissal from the school, termination of employment, loss of student financial aid, referral for criminal prosecution when warranted, and notification of appropriate regulatory agencies as required.

B. Health Risk

As part of its required drug free awareness program, California Western emphasizes the fact that drug abuse is dangerous and harmful to the abuser as well as to other employees and students. The health risks associated with the use of illicit drugs and the abuse of controlled substances include various physical and mental consequences including addiction, severe disability and death.

C. Drug Policy Violations

All employees or students engaged in the performance of a federal grant or contract are further advised that full compliance with the requirements set forth in this statement is a specific condition of their employment under any federal grant or contract involving California Western. Compliance is also a specific condition of their employment for those not involved with federal grants or contracts.

D. Consequences of Criminal Conviction

Employees and students are obligated to notify the Dean of Students or the Vice President of Administration, of any criminal conviction for violation of drug statute occurring in the School or any related premises not later than five (5) days after such a conviction.

If the convicted employee or student received money from a federal grant or performs duties funded by a federal grant, CWSL will notify the granting or contracting agencies involved within ten (10) days of receiving notice of any drug statute conviction. **A conviction of any offense involving the possession or sale of illegal drugs can result in a loss of student eligibility for federal financial aid.**

Within thirty (30) days of notification, CWSL will take appropriate action up to and including termination or expulsion. In appropriate situations, the School may, among other sanctions, dismiss the person or require employees and students convicted of criminal drug statute violation in the institution to participate satisfactorily in a drug rehabilitation program.

IV. APPLICABLE LAWS

A. California State Laws

Students and employees should be familiar with California laws governing the consumption of alcohol. The following summarizes some of the state laws relevant to students and employees:

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (CA Bus. & Prof. Code §25662).
- Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (CA Bus. & Prof. Code §25658(a)).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (CA Penal Code §647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (CA Veh. Code §23152).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (CA Veh. Code §21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (CA Veh. Code §23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area (CA Veh. Code §23225).

California penalties for offenses involving controlled substances include Cal. Health & Safety Code §11350 Imprisonment in the county jail or state prison, and fine not to exceed \$70.00 or probation with fine for felony convictions of at least \$1,000.00 for the first offense and at least \$2,000.00 for second or subsequent offenses or community service for unlawful possession of controlled substances. The following is a list of some of the legal sanctions for driving under the influence of alcohol (or any other drug):

- First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390.00 nor more than \$1,000.00 and except as otherwise provided suspension of privilege to operate motor vehicle (CA Veh. Code §23536).
- Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under the influence: Imprisonment in state prison or in the county jail for not more than one year and a fine of not less than \$390.00 nor more than \$1,000.00 and revocation of privilege to operate a motor vehicle (CA Veh. Code §23550.5).

- Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390.00 nor more than \$1,000.00 and suspension of privilege to operate a motor vehicle (CA Veh. Code §23554).
- Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one year enhancements (CA Veh. Code §23558).
- Second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years of separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390.00 nor more than \$5,000.00 and revocation of privilege to operate a motor vehicle (CA Veh. Code §23560).

B. Federal Laws

Students and employees should be aware that penalties for substance abuse-related crimes include the following: driver license revocation, fines, forfeiture of property, imprisonment, and suspension from eligibility for federal benefits (including student loans). Federal Trafficking Penalties may be found at <https://ifap.ed.gov/regcomps/attachments/86a.pdf>. Additional information can be found at the U.S. Drug Enforcement Administration website at <https://www.dea.gov/index.shtml>.

Listed below are some of the legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol:

- First conviction: Up to one year imprisonment and fined a minimum of \$1,000.00 or both (21 U.S.C. §844).
- After one prior drug conviction: At least 15 days in prison, not to exceed two years and fined a minimum of \$2,500.00.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years and fined a minimum of \$5,000.00.
- Upon conviction, a person who violates this section shall be fined the reasonable costs of investigation and prosecution of the offense.
- Forfeiture of personal and real property used or intended to be used to possess or facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment (21 U.S.C. §853(a)(2) and 881(a)(7)).
- Civil penalty of up to \$10,000.00 for possession of a controlled substance for personal use. Civil penalty is only available for a first offense (21 U.S.C. §844a).
- Discretionary denial of any or all Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first conviction, and up to five years for second and subsequent convictions (21 U.S.C. §862(b)).

V. ALCOHOL AND DRUG COUNSELING INFORMATION

There is no available on-campus counseling but various treatment programs are available in San Diego County. Students and employees who are in need of assistance regarding alcohol or drug abuse may be eligible to participate in drug counseling and/or drug rehabilitation programs available in the community. Student & Diversity Services has developed resources to assist students with appropriate referrals and information concerning drug and alcohol education, counseling, treatment, rehabilitation or re-entry programs that may be available in the community. Contact Student & Diversity Services for additional information and resources. Human Resources

can assist employees with obtaining appropriate referrals and information concerning drug and alcohol education, counseling, treatment, rehabilitation or re-entry programs that may be available in the community. Students and employees concerned about alcohol and drug abuse, and rehabilitation are also encouraged to contact their physician or medical provider.

California Western recognizes that alcoholism and other substance dependencies are highly complex issues, which may be successfully treated. Students and employees who have a problem which they feel may affect their academic or job performance should seek assistance from one of the many treatment programs available in the community. In instances where it is necessary, a leave of absence from the School may be granted to students and employees for alcohol and drug abuse treatment or rehabilitation on the same basis as for other health-related problems. Through the local resources, students and employees have access to professional counseling services and community resources for problems related to alcohol and drug abuse, as well as relationship, career and academic stress, and family, financial, legal and other problems. Pamphlets that discuss alcohol and drug abuse are available from Student & Diversity Services or Human Resources.

X. STUDENT REPORTING REQUIREMENTS

Students have an obligation to notify the Dean of Students immediately if any of the following events occur: (1) you are apprehended, cited, arrested, taken into custody for, charged with, indicted, or tried for, or plead guilty or no contest (nolo contendere) to, the commission of any felony or misdemeanor or the violation of any law, except for minor traffic violations unrelated to the use of intoxicants; (2) you are found guilty of an honor code violation at any institution of higher learning; (3) become a plaintiff or defendant in a civil lawsuit; (4) receive an order of expungement or similar order for a criminal conviction; or (5) you are subject to disciplinary action by any educational institution, governmental, or administrative agency (including any branch of the Armed Forces), or employer. **Written notification must be submitted to the Dean of Students.** Failure to provide notification to the law school may constitute an Honor Code violation.

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