

Shepherd University Drug-Free Workplace/Drug-Free Schools Policy

The purpose of this policy is to comply with the Drug-Free Workplace Act of 1988 Pub. L 100-690, Title V, Subtitle D), as amended, and the Safe and Drug Free Schools and Communities Act of 1989. Questions about this Policy should be directed to the Director of Human Resources.

STANDARDS OF CONDUCT

All Shepherd University employees, including faculty, classified and non-classified staff, and student employees, and students enrolled in any course, are covered by this policy.

- a. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at the workplace or on the property of Shepherd University or any premises leased or controlled by the University.
- b. Reporting for work, attendance by a student at any class, or attendance by either a student or employee at any activity of the University under the influence of any controlled substance is prohibited.
- c. Violation of any of the prohibitions may result in immediate dismissal.
- d. The University conducts an awareness program, under the supervision of the Human Resources Director. The program will inform employees about:
 1. the dangers of drug abuse in the workplace,
 2. Shepherd University's policy regarding a drug-free workplace,
 3. consequences of violations of the policy, and
 4. the Faculty and Staff Assistance Program.
- e. Each current employee will receive a copy of the policy annually. Each new employee will receive, and certify receipt of, a copy of the policy as part of employment processing. The certification shows that the employee:
 1. has received a copy of the policy,
 2. Agrees to abide by the terms of the policy, and
 3. Understands that under federal law and as a condition of employment, if the employee is convicted for violation in the workplace of any criminal drug
- f. Each student will receive a copy of the policy annually.

APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND SANCTIONS

Federal law prohibits the trafficking and illegal possessions of controlled substances as outlined in Title 21 United States Code, Sections 811 and 844. Depending on amount, first offense maximum penalties for trafficking marijuana range from the five years imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Again, depending on the amount, first offense maximum penalties for trafficking class I and II controlled substances (methamphetamine, hero cocaine, cocaine base, PCP, LSD, fentanyl analogue, cannabinoids) range from five years to life imprisonment and maximum fines range from \$2-\$4 million. First offense penalties and sanctions for the illegal possession of a controlled substance range from up to one year in prison and a fine of at least \$1,000 but not more than \$250,000 or both.

STATE LAW

State Drug Laws:

Pursuant to Chapter 60A of the Code of West Virginia, West Virginia has adopted the Uniform Controlled Substances Act, W.Va. Code 60A-4-401:

- a. Restricts manufacture, delivery, or possession with intent to manufacture or deliver of a controlled substance. Maximum penalties range, depending on class of substance, from one to fifteen years imprisonment and fines of \$5,000-\$25,000.

- b. Restricts creation, delivery, or possession with intent to deliver, of a counterfeit substance. Maximum penalties range, depending on class of substance, from one to fifteen years imprisonment and fines of \$5,000-\$25,000.
- c. Restricts possession of a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a doctor. Maximum penalties six months imprisonment and fines of \$1,000.
- d. Restricts creation, distribution, or delivery, or possession with intent to distribute or deliver an imitation controlled substance. Maximum penalties three years imprisonment and fines of \$10,000.

WV Code §60A-2-204 – Defines Schedule I drugs and other substances including, but not restricted to opiates, opium derivatives, hallucinogenic substances and other synthetic cannabinoids, depressants, stimulants, and substances subject to emergency scheduling. Since nomenclature of certain drugs, particularly hallucinogenic substances and other synthetic cannabinoids, is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

WV Code §60A-2-206-Defines Schedule II drugs and other substances.

WV Code §60A-4-403a

- a. Restricts conducting, financing, supervising, or owning an illegal drug paraphernalia business. “Drug device” means an object usable for smoking marijuana, for smoking controlled substances defined as tetrahydrocannabinols, or for ingesting or inhaling cocaine, and includes, but is not limited to:
 - i. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - ii. Water pipes;
 - iii. Carburetion tubes and devices;
 - iv. Smoking and carburetion masks;
 - v. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - vi. Chamber pipes;
 - vii. Carburetor pipes;
 - viii. Electric pipes;
 - ix. Air-driven pipes;
 - x. Chillums;
 - xi. Bongs;
 - xii. Ice pipes or chillers; and
 - xiii. Miniature cocaine spoons, and cocaine vials. Maximum penalties twelve months imprisonment and fines of \$5,000.

WV Code §60A-4-406:

Denies parole for two years to persons more than 21 distributing to persons less than 18.

WV Code §60A-4-408:

Doubles penalties for second and subsequent offenses of Uniform Controlled Substance Act.

WV Code §60A-4-409:

Restricts transportation into West Virginia of controlled substances. Maximum penalties range, depending on class substance, from one to fifteen years imprisonment and fines of \$5,000-\$25,000.

State Alcohol Laws:

WV Code §60-3A-24:

- a. Restricts possession, purchase, or consumption of liquor by persons less than 21. Maximum penalties seventy-two hours' imprisonment and fines of \$50.
- b. Criminalizes procurement or attempts to procure liquor through false pretenses by person less than 21. Maximum penalties seventy-two hours' imprisonment and fines of \$50.
- c. Criminalizes distribution of liquor to any person under 21 not related to distributor by blood or marriage. Maximum penalties ten days imprisonment and fines of \$100.
- d. Criminalizes consumption of liquor on premises of retail outlet. Maximum penalties ten days imprisonment and fines of \$100.

WV Code §60-8-20:

- a. Restricts possession, purchase, or consumption of wine by persons less than 21. Maximum penalties seventy-two hours' imprisonment and fines of \$50.
- b. Criminalizes procurement or attempts to procure wine through false pretenses by persons less than 21. Maximum penalties seventy-two hours' imprisonment and fines of \$50.
- c. Criminalizes distribution of wine to any person under 21 not related to distributor by blood or marriage. Maximum penalties ten days imprisonment and fines of \$100.

WV Code §11-16-19:

- a. Restricts possession, purchase, or consumption of beer by persons less than 21. Maximum penalties seventy-two hours' imprisonment and fines of \$50.
- b. Criminalizes procurement or attempts to procure wine through false pretenses by persons less than 21. Maximum penalties seventy-two hours' imprisonment and fines of \$50.
- c. Criminalizes distribution of beer to any person under 21 not related to distributor by blood or marriage. Maximum penalties ten days imprisonment and fines of \$100.
- d. Restricts transport into West Virginia of more than 6.75 gallons of beer and limits any transportation of beer to personal use only.

WV Code §60-6-9:

Restricts public intoxication, public consumption, and consumption in a motor vehicle in operation. Maximum penalties sixty days imprisonment and fines of \$100.

WV Code §17C-5-2:

Criminalizes operation of vehicle under influence or with alcohol blood content level above .08%. Maximum penalties range, depending on whether other offenses occur in conjunction with the DUI, from six months to ten years imprisonment and fines of \$500-\$3,000.

A complete description of all controlled substances under federal and state law and all laws regulating controlled substances and alcohol may be obtained from the Chief of Police or the Dean of Students.

REFERRAL AND TREATMENT

To ensure the most effective implementation of this program, the following concepts are supported:

- * Alcohol or other drug dependence is a disease that can be successfully treated.
- * Specific steps will be taken for referral of persons at risk for alcohol and other drug problems appropriate resources for assessment and treatment:
 - o University Employee Assistance Programs
 - o Student Assistance Program at the Health Counseling and Consultation Services
 - o Community drug/alcohol treatment centers
- * Faculty, staff and students should be apprised that treatment is not a refuge from disciplinary action and that dependency problems that do not respond to treatment may ultimately result in appropriate

disciplinary action. Disciplinary actions may be held in abeyance pending the conclusion of a treatment program and be mitigated by the results of such a program.

Deferred sanctions may be applied if the individual is uncooperative or fails to make improvements.

PERSONAL RISKS

Misuse of alcohol and other drugs can result in, or make worse, a number of personal, relationship, physical or legal problems. Even low doses significantly impair judgment and coordination, making driving dangerous. The use of mood altering chemicals increases the incidence of aggressive acts and may cause marked impairment in higher mental functions, severely altering the ability to learn and remember information.

Alcohol-related traffic accidents are the number one killer of young people in America.

High doses of depressants frequently cause respiratory depression and death.

Additionally, the long-term use of alcohol or other drugs may set up habitual patterns that can lead to psychological and physical addiction.

DISCIPLINARY SANCTIONS

Shepherd University will impose disciplinary sanctions on students and employees who violate the above standard of conduct.

Among the disciplinary sanctions which may be imposed on students are the following: reprimand, probation, suspension, expulsion and referral for prosecution.

Among the disciplinary sanctions which may be imposed on employees are: oral warning, written reprimand, suspension, termination and referral for prosecution.

The University may require completion of an appropriate rehabilitation program as a disciplinary sanction.