



## **Drug and Alcohol Abuse and Prevention Policy**

### **Drug-Free Workplace Act**

In accordance with the Drug-Free Workplace Act of 1988 (Public Law 101-690): Southwest College of Naturopathic Medicine & Health Sciences, SCNM Medical Center, SCNM Pain Relief Center (hereafter referred to as SCNM); and all associated patient care sites, will not tolerate and will take action against the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by any student or employee on its property or as part of any of its activities.

### **Drug-Free Schools and Communities Act**

On December 12, 1989, the United States federal government enacted the Drug-Free Schools and Communities Act Amendments of 1989. As outlined in the Act, an institution of higher education, as a condition for receiving federal funds under any federal program, must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs by students and employees. To comply with this law and further its commitment to support society's effort to eliminate drug and alcohol abuse, SCNM adopted the SCNM Drug and Alcohol Abuse and Prevention Policy (hereafter referred to as the DAAP policy) to supplement the code of student professional conduct. If there is a conflict between SCNM's DAAP policy and the code of student professional conduct, the code of student professional conduct will supersede the DAAP policy.

### **Prohibited Conduct**

Students are prohibited from:

1. Unlawfully manufacturing, distributing, dispensing, or otherwise trafficking, possessing, or using any controlled substance, including illegal drugs or alcohol, in or around the premises of SCNM or any associated institutions or associated patient care sites
2. Being under the influence of alcohol, illegal drugs, or other controlled substances, including being under the influence of legal drugs that may impair the student's performance or threaten the safety of the student or others, while on SCNM premises or while performing any SCNM business off SCNM premises



3. To the extent such conduct is deemed to have a substantial impact on the safety or general welfare of SCNM or their patrons, engaging in the foregoing conduct—regardless of where or when such conduct occurs

Unless there is a nexus to the health and safety concerns of SCNM, or as otherwise specified herein, the DAAP policy does not apply to the legal use or possession of alcohol or legal drugs in the personal residences of the student.

Any employee or student who knowingly conceals or withholds information about a student's violation of the DAAP policy shall be subject to disciplinary action.

## **Health Risks**

There are definite health risks associated with the use of alcohol and controlled 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, but are not limited to, the following:

- People who abuse alcohol and other drugs often have erratic lifestyles which interfere with sleep, nutrition, and exercise.
- Alcohol and substance abuse may lead to financial difficulties, domestic violence, child abuse, harm to an unborn child, deterioration of the family structure, motor vehicle accident injuries, crime and decline in job performance
- Repeated abuse of alcohol and other controlled substances can lead to dependence

## **Treatment and Counseling**

The following state and national alcohol and drug prevention counseling resources, self-help and peer-support groups are confidential and do not involve SCNM Administration. The list is provided to assist any member of the SCNM/SCNMMC community who may have a drug or alcohol problem.

- Arizona Providers: A complete list of Service Providers is available through the Substance Abuse and Mental Health Services Administration (SAMHSA) at <https://www.findtreatment.samhsa.gov/>
- Al-Anon 1-800-344-2666 or <https://al-anon.org/>
- American Council on Alcoholism Helpline 1-800-527-3344
- National Council on Alcoholism and Drug Dependence 1-800 NCA-Call (622-2255)
- National Alcohol and Substance Abuse Information Center, 1-800-784-6776



- SMART Recovery 1-866-951-5357 or <http://www.smartrecovery.org/>

## Sanctions

Students who are the subject of investigations into alleged violations of the DAAP policy may be suspended in the interim (if a student), pending completion of investigation, and any disciplinary procedures resulting there from. In the event the investigation fails to substantiate a violation of the DAAP policy, the student will be provided an appropriate opportunity to make up any academic work missed as a result of the interim suspension.

If a substance test performed on a student pursuant to the SCNM Drug Testing policy demonstrates that the student is under the influence of a prohibited substance, the student shall be subject to discipline, up to and including, dismissal/expulsion from SCNM, pursuant to applicable disciplinary procedures

- In order to assure fair and consistent treatment of all students and employees who are accused of illegal use of drugs and alcohol, the College will handle all cases which come to its attention within the guidelines of the applicable policies and procedures of the College (i.e. Student Code of Conduct and Student Disciplinary Procedures, Employee Handbook) and where appropriate, local, state, and federal regulations.
- Any violation of the DAAP policy may result in disciplinary action up to and including suspension or dismissal/expulsion, pursuant to applicable disciplinary procedures
- If a student is convicted of a criminal drug violation, SCNM may require him/her to participate in a treatment program as part of the disciplinary process. If he/she agrees to accept the help, he/she must satisfactorily complete the agreed-upon steps or risk being dismissed
- The President/CEO must approve any exception to the DAAP policy for a special situation (e.g., moderate use of alcohol at SCNM sponsored social events).

## Local, State and Federal Sanctions

- State and Federal laws impose significant criminal penalties for the unlawful possession, use, manufacture, or distribution of alcohol and illicit drugs. These penalties may include imprisonment, fines, and assigned community service. The following is a description of some of the applicable legal sanctions under federal, state, and local laws for the unlawful possession, use, or distribution of illicit drugs, including alcohol. This list is not intended to be an exhaustive list of all offenses involving drugs and alcohol, and this material should not be relied upon as legal advice or guidance regarding these offenses:



- Federal law prohibits, among other things, the manufacturing, distributing, selling and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g., methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of small amounts of controlled substance range from up to one year in prison or a fine of at least \$1,000. For more information see <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>
- Information on local and state criminal drug-related offenses and sanctions for trafficking and possession of controlled substances is available at <http://www.azleg.gov/arsDetail/?title=13>. See Title 13, Chapters 32-34. Additional state and local penalties and sanctions may also apply.

Any student or employee who has been disciplined under the DAAP policy and successfully completes a drug or alcohol rehabilitation program approved by SCNM may, at the sole discretion of SCNM and upon presenting adequate documentation, be considered for reassignment or reinstatement (if employed) consistent with the availability of that person's former position. With regard to a student's re-enrollment and receipt of financial aid, the rehabilitation program entered must be in compliance with federal guidelines (See financial aid). Students shall comply with all terms of a written aftercare program and shall submit to random drug or alcohol testing in accordance the provisions of the DAAP policy.

## **Reporting Responsibility**

All students agree to abide by the prohibition against unlawful manufacture, distribution, dispensation, possession, and use of controlled substances and/or alcohol at SCNM, the SCNM Clinics, and all affiliated patient care site premises and to notify SCNM of any criminal drug statute conviction for a violation no later than five (5) days after such conviction. Within ten (10) days of our learning of the conviction, SCNM will, in turn, report such convictions to the appropriate federal agency.

The Dean of Students, Human Resources, and chief academic officer must be notified immediately if there is suspicion of any student appearing to be under the influence of alcohol or illegal drugs. Immediately refer to the SCNM DAAP policy before taking any action.

## **Drug Testing**



Unless otherwise prohibited or restricted by applicable state or federal law, SCNM may periodically conduct substance tests on students based on breath, saliva, urine, blood, and/or hair samples under any of the circumstances noted below. Testing for substances shall be conducted in accordance with and limited by applicable laws, including A.R.S. § 23-493, et seq., notwithstanding any terms of this policy to the contrary.

A student may be asked or required to submit to testing procedures designed to detect the presence of drugs and/or alcohol if he or she is acting in a manner that leads to a suspicion that the student either possesses, controls, or is under the influence of a drug and/or alcohol or has been involved in the use, possession, and/or sale of drugs or alcohol in areas controlled by SCNM.

Any student who does not consent to and cooperate fully with any search and/or medical testing procedure shall be subject to disciplinary action up to and including dismissal

### **Workplace Searches**

SCNM may conduct searches of SCNM property, including lockers, and any student's personal property in cases where there is reason to believe that a student has, or is, violating the DAAP policy. Any student who refuses to cooperate in the conducting of such searches will be subject to discipline, up to and including, dismissal from SCNM, pursuant to applicable disciplinary procedures.