CARLOS ALBIZU UNIVERSITY
Drug, Alcohol, and Tobacco Institutional Policy

Revised 2014
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PURPOSE

The purpose of this policy is to create awareness in the University community of the harmful effects of the use of illegal drugs and alcohol abuse; to establish preventive measures that help maintain a drug and alcohol free environment; and to adopt rules and regulations that will allow the institution to effectively address cases of illicit drug use and alcohol abuse.

INTRODUCTION

Carlos Albizu University (CAU) has a vital interest in maintaining a safe, sanitary, and efficient work and study environment for its employees and students. Individuals under the influence of drugs, alcohol or other controlled substances may constitute a serious threat, not only to their own security and health but also to those who interact with them.

CAU acknowledges that the success of its mission depends on the physical and psychological health of its employees and students. Therefore, CAU has the right, the obligation, and the intention of taking reasonable measures to ensure that alcohol, illicit use of legal drugs, and controlled substances do not jeopardize the success of our Institution, or in any way affect its employees or students. Taking into account these basic objectives, the Institution has established the following policy and procedures regarding alcohol, drugs, and controlled substances. This policy applies to all CAU and Clinic staff as well as to all students. Every employee and student will be provided with a copy of this policy.

ARTICLE 1: Legal Basis

This policy is adopted in accordance with the authority conferred to its representative by the Board of Trustees in the By-Laws of Carlos Albizu University. It is also supported by the following laws of the federal government and of Puerto Rico:


1.3 The Regulations adopted by the Department of Education of the United States to enforce those laws, 34 CFR parts 85 and 86; 48 CFR sub-part 23.5.

1.4 Drug Free Workplace Act of 1988 (Public Law 100-690 approved on November 18, 1988 and amended, 41 USC 701).

1.5 Drug Free Schools and Communities Act, amendment of 1989 (Public Law 101-226)

1.6 Puerto Rico Law for Controlled Substances, Law No.4 of June 23, 1971, as amended.

1.7 Law No. 59 of August 8, 1977 (regulates the programs established by employers to detect the illegal use of controlled substances).
ARTICLE 2: Prohibition of Controlled Substances

The manufacture, possession, illegal possession, prescription, illegal trafficking, use, sale or distribution of controlled substances, as defined by the applicable laws, in the CAU premises as well as in any activity authorized or sponsored by the University, inside or outside the campus are prohibited.

ARTICLE 3: Prohibition of Alcoholic Beverages for the Underage

The possession, consumption, sale or distribution of alcoholic beverages by / or to minors under eighteen (18) in the CAU premises or in official activities inside or outside the University premises are prohibited.

ARTICLE 4: Prohibition of Possession, Use, Sale, and Distribution of Alcoholic Beverages inside the University Premises

The possession, consumption, sale or distribution of alcoholic beverages inside the University premises is prohibited, except in those official activities for which previous authorization was requested and received in writing from the President. This prohibition includes the introduction of alcoholic beverages in any facility areas, classrooms, conference rooms, and the Clinic.

ARTICLE 5: Possession, Use, Sale, and Distribution of Alcoholic Beverages in Official Activities outside University Premises

The possession, consumption, sale or distribution of alcoholic beverages in official activities outside the University premises is prohibited, except in those events for which prior authorization was requested and received in writing from the President.

ARTICLE 6: Request for Authorization To Provide and Use Alcoholic Beverages inside the Premises or in any Official Activity outside University premises

The authorization request must be made in writing, signed, sent to the Office of the University President, and clearly state the name of the persons or groups organizing the activity. If the activity is organized by an agency, the request must indicate the purpose for which it was created, the type of event, date, time, and place where the activity will be held, as well as its projected duration. In all cases, the request should include the name, address and telephone number of the persons requesting the authorization and a written statement indicating that the organization commits to comply with the rules established by this Policy. The request will clearly state that the people who request the authorization assume the responsibility of full compliance with this Policy.

ARTICLE 7: Prohibition of Alcoholic Beverage Promotion

The promotion of alcoholic beverages in the University premises is prohibited.
ARTICLE 8: Smoking Regulations in the University Premises

Scientific research has proven that smokers as well as those who inhale their smoke (passive smokers) are exposed to the harmful effects of smoking. Passive smoking poses a higher risk factor for illness and death and constitutes the third cause of premature death in Puerto Rico. The University prohibits the sale and distribution of tobacco products as well as its use in the premises of the Institution. Thus, smoking is strictly forbidden in the workplace and meeting areas. Smoking is only allowed in designated areas in the open.

ARTICLE 9: Searches/Inspections

Carlos Albizu University reserves the right to perform unannounced searches/inspections in its facilities with the purpose of safeguarding the collective security of its employees and students. Mere possession of any controlled substance by a University employee, contractor or student can be reasonable cause to summarily terminate his/her relationship with the University, whether it is of a working, contractual or study nature.

ARTICLE 10: Orientation to the University Community

In order to maintain students and general personnel well informed about the scope of this policy, information about the legal, medical, and psychosocial consequences of the use of illicit drugs is available in the Library. Information on potential resources for students or employees affected by the use of substances is also available.

ARTICLE 11: Assistance Program

Carlos Albizu University will recommend rehabilitation programs that emphasize education, prevention, guidance and treatment for employees in situations that may affect their performance, their security or that of others.

ARTICLE 12: Disciplinary Actions for Students

Any violation of this policy by a student will result in disciplinary sanctions, which may include summary suspension and/or dismissal from the University.

As established in section 5301 of the Federal Law against Drug Abuse, 1988, if a person is convicted of possessing, manufacturing or distributing drugs, his or her eligibility to obtain financial aid will be subject to suspension or termination. In such an eventuality, within ten (10) days following conviction, the student must report it in writing, including his/her full name and social security number, to:

Director, Grants and Contracts Services
U.S. Department of Education
600 Independence Avenue, S.W.
(Room 3124, GSA Regional Office Building No.3)
Washington, DC 20202-4571
The dispositions of the General Policies and Disciplinary Procedures Manual supplement such matters not included in this Policy.

Student organizations must notify within the five (5) calendar days following any incident related to the use of alcohol or other drugs that occur in any official activity of the organization. Non-compliance with the dispositions of this policy could entail sanctions, as described in the General Policies and Disciplinary Procedures Manual. In addition, it may constitute reasonable cause to decertification of the non-compliant student organization.

A student convicted for any offense under applicable state or federal laws related to the possession or sale of controlled substances CANNOT be eligible to receive any type of scholarship, loan or work assistance (Work-Study Program) during the period starting on the date of the conviction and ending after the period of time shown below.

<table>
<thead>
<tr>
<th>Period of eligibility (Effective DATE)</th>
<th>Possession of controlled substances</th>
<th>Sale of controlled substances</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>1 year</td>
<td>2 years</td>
</tr>
<tr>
<td>Second Offense</td>
<td>2 years</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Third Offense</td>
<td>Indefinite</td>
<td>Indefinite</td>
</tr>
</tbody>
</table>

**ARTICLE 13: Disciplinary Actions for Academic and Non-Academic Staff**

Any violation of this policy shall entail disciplinary actions, which may include summary suspension or termination of the contractual relationship.

**ARTICLE 14: Disciplinary Sanctions**

Disciplinary sanctions to be imposed will be in accordance with the dispositions of the General Policies and Disciplinary Procedures Manual, the Non-Teaching Employee Manual or the Faculty Manual, depending on the case. In any case of alleged violations of the provisions of this policy, the governing criterion at the time of adopting a preventive measure or a sanction should be collective safety and peace of all other members of the university community.
ARTICLE 15: Convictions by a Court of Justice

It will be the responsibility of any employee or student of the University who has been convicted by a Court of Justice for violating a law related to the use and or sale of drugs, or has admitted his/her alleged guilt, to inform the University, in writing, of this conviction within the first five (5) days following conviction.

A student who has been convicted shall present a certified copy of the conviction to the Professional Counselor or to the Chancellor; in the case of an employee, the certified copy will be submitted to the Human Resources Director as well as a signed authorization that allow CAU to obtain a copy of the conviction within ten (10) days after receiving the notification, in accordance with the previous paragraph.

The University shall take disciplinary or rehabilitation action regarding the student or employee within thirty (30) days from the notification of the conviction. The action taken might result in summary suspension or dismissal, depending on the severity of the case. The University shall assist the student or employee in all cases to seek professional help, if he or she so desires.

In a student does not notify the University (i.e., Chancellor) about a conviction, he or she might be suspended or expelled; in the case of an employee (Human Resources), he or she might be suspended or dismissed. The corresponding decision shall be taken, depending on the situation and severity of each particular case.

ARTICLE 16: Security Measures

The University can and will implement the security measures that deems necessary to address problems related to the use or abuse of controlled substances at CAU.

CAU reserves the right to carry out the necessary preventive searches/inspections when there is a reasonable suspicion regarding of possession of controlled substances among members of the university community and guests. This includes the right to request anyone to voluntarily submit to an examination, in order to detect the presence of controlled substances.

CAU could use other means to detect the existence or possession of drugs, such as trained dogs, electronic devices, and any other method designed for such purposes.

ARTICLE 17: Treatment Center Directory

Orientation on various aspects of use and abuse of drugs, tobacco, and alcohol; treatment centers; and procedures to follow is available in the Office of the Dean of Student Affairs.

ARTICLE 18: Separability

If a Court of justice with jurisdiction declares an article or section of this Policy ad unconstitutional or null, the remaining articles or sections shall remain in force.
ARTICLE 19: Validity

This amendment to the current policy shall be in effect immediately after it is approved and signed by the representative of the Board of Trustees.