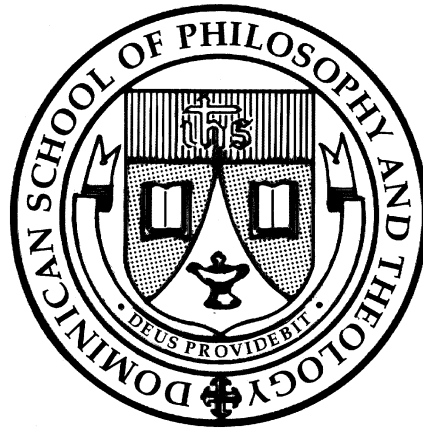


DSPT

DOMINICAN SCHOOL
OF PHILOSOPHY & THEOLOGY



Drug and Alcohol Policy For a Drug-Free Campus

As required by the Federal Drug-free Workplace Act of 1988 (Public Law 101-690)

Fall 2019
2301 Vine St., Berkeley, CA 94708

DSPT respects the rights of community members to exercise their legal options regarding alcohol consumption and recognizes that responsible alcohol use can be compatible with healthy adult behavior and successful social events. At the same time, DSPT also recognizes that a significant number of our graduates will hold leadership positions in the Church and society, often working with teenage and college age students. As role models for young people, therefore, our graduates must have an appropriate understanding of both personal comportment and skills for recognizing the signs of potential alcohol or substance abuse. With these objectives in mind, DSPT has developed expectations for behavior which supports the safe and legal consumption of alcohol, and a general knowledge of the health and social problems that can arise from abuse. Any student or employee who consumes alcohol remains personally responsible for any violation of this policy.

DSPT is committed to maintaining an environment in which all members of the School community work together in an atmosphere free from drugs and alcohol misuse or abuse. Unlawful possession, manufacture, use, dispensation, or distribution of illicit drugs and alcohol or abuse of drugs or alcohol by students, faculty, administration, staff, residents, and tenants is prohibited on any DSPT property or any part of DSPT activity.

Persons who qualify under California Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on any DSPT owned or controlled property, or during any DSPT sanctioned activity regardless of location. Failure to follow this policy may result in termination of employment and/or dismissal from academic programs, in addition to prosecution by police authorities.

Behavior: Students or employees in lawful possession of alcohol shall not disrupt the community on campus, or in the surrounding environment. Those who use alcohol shall do so in a way that does not compromise, or infringe on, the rights and safety of others. Organized drinking games or items used for the purpose of quick or mass consumption of alcohol are prohibited. Public intoxication at events where there is pressure or an expectation to consume excessive amounts of alcohol is prohibited. “Pre-gaming” (the consumption of large amounts of alcohol in a short period of time prior to attending a social event) and “doing shots” of hard alcohol is strongly discouraged because these behaviors maximize the dangers associated with intoxication and the risk of alcohol poisoning.

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, serving alcohol to intoxicated persons or to sell, furnish or provide alcohol to a person under the age of 21 is prohibited.

Operating a vehicle under the influence of alcohol is prohibited. “Vehicle” is defined as anything used for transporting people or goods, especially on land, such as a car, truck, bicycle or cart.

Sanctions. DSPT does not shield its students from the law or from the consequences of their own behavior. Violations of federal, state or local law, occur at the risk of the individuals and are not the responsibility of the School. DSPT shall not serve as a haven from law enforcement agencies.

Any member of the student body, faculty, administration, staff, resident, or tenant found responsible for violating this policy may be subject to immediate dismissal from the student’s program of study,

termination of employment, or cancellation of lease or other rental agreements as applicable. All sanctions are cumulative, and past conduct history is taken into consideration when issuing a sanction. Sanctions may also be enhanced based on the severity of the behavior and impact on the DSPT community. More than one sanction may be imposed for any single violation. Determination of the sanction(s) to be imposed are made by the senior administration of DSPT, with the President having final authority. In the case of a violation, a written record will be created by the Academic Dean or President, as appropriate, and placed in the permanent file of the member.

State and Federal Sanctions. The following are some of the legal sanctions under local and California State law concerning drugs and alcohol. Federal penalties are listed at the Federal Drug Enforcement Agency website, and in the table at the end of this document. These are merely set forth as an example of the various sanctions, and are not meant to be all inclusive of every law. In addition, laws are often amended and sanctions changed. Many offenses and sanctions are case specific, and therefore this notice shall not be deemed to be legal advice.

1. Open Container Age 21: Possession of an open container of alcohol on public streets, sidewalks, highways, parking lots or alleys can result in a \$108 fine (California Business And Professions Code section 25620 (a)).
2. 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)).
3. 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 of upwards of \$7,000, county prison sentence, and driver's license suspension (California Vehicle Code sections 23152 (a) & (b)). The State of California has published the following chart to illustrate the relationship between the number of drinks and *estimated* effects on BAC:

Number of Drinks		BLOOD ALCOHOL CONTENT (BAC) Table for Male (M) / Female (F)							Driving Condition	
		Body Weight in Pounds								
		100	120	140	160	180	200	220	240	
0	M	.00	.00	.00	.00	.00	.00	.00	.00	Only Safe Driving Limit
	F	.00	.00	.00	.00	.00	.00	.00	.00	
1	M	.06	.05	.04	.04	.03	.03	.03	.02	Driving Skills Impaired
	F	.07	.06	.05	.04	.04	.03	.03	.03	
2	M	.12	.10	.09	.07	.07	.06	.05	.05	
	F	.13	.11	.09	.08	.07	.07	.06	.06	
3	M	.18	.15	.13	.11	.10	.09	.08	.07	
	F	.20	.17	.14	.12	.11	.10	.09	.08	
4	M	.24	.20	.17	.15	.13	.12	.11	.10	Legally Intoxicated
	F	.26	.22	.19	.17	.15	.13	.12	.11	
5	M	.30	.25	.21	.19	.17	.15	.14	.12	
	F	.33	.28	.24	.21	.18	.17	.15	.14	

Subtract .01% for each 40 minutes of drinking.
 1 drink = 1.5 oz. 80 proof liquor, 12 oz. 5% beer, or 5 oz. 12% wine.
Fewer than 5 persons out of 100 will exceed these values.

4. Cycling Under the influence (CUI): Bicycling under the influence (.08 BAC or higher) 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).

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).

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.

As a condition of enrollment in, or employment at DSPT, members of the student body, faculty, administration, or staff will notify the School of their conviction for any criminal drug statute occurring in DSPT no later than five days after such conviction.

Associated Risks and Local Resources.

The risks associated with the use of illegal drugs, pharmaceuticals and other substances and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration, and potentially devastating effects on family and friends. 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. There are a number of less obvious risks associated with alcohol and other drug abuse that students might not realize, including:

- Poor academic and/or job performance
- Initiating nonconsensual sexual activity, which could lead to expulsion and criminal liability
- Being subjected to nonconsensual sexual activity, which could lead to psychological and physical trauma including sexually transmitted infections
- Jeopardizing future career prospects (e.g., admission to law school or government employment)

In addition, alcohol and other drug abuse puts the user at considerable health risk, which can include, nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to other students and the entire DSPT community. Students and employees interested in further information are encouraged to visit the UC Berkeley Health Resources page: http://uhs.berkeley.edu/AlcoholDrugs/Consequences_effects.shtml.

Other online informational resources include:

- [National Institute on Drug Abuse](#)
- [Start Your Recovery](#)

- [State of California Driver Handbook – Alcohol and Drugs](#)
- “[12-Step Review](#)” – a ministry of Fr. Emmerich Vogt, OP for a spirituality of recovery
- [DARE](#) – an online resource for those who are involved with ministry to youth

Students who suspect that they or one of their fellow students has an alcohol or drug abuse problem are encouraged to contact any of the faculty or senior administration. Several drug and alcohol counseling, treatment, and rehabilitation programs are available to GTU faculty, students and employees. Check your health insurance program for the closest location. In addition you may find these resources helpful:

- The New Bridge Foundation: 1820 Scenic Avenue in Berkeley provides assessment, residential inpatient rehabilitation programs, partial day programs, outpatient individual and group counseling sessions and educational workshops. New Bridge accepts private insurance.
- Chrysalis: 3837-3845 Telegraph Avenue, Oakland, (510) 450-1192. Chrysalis is a drug and alcohol prevention, treatment, and recovery facility for women 18 years of age and older.
- Merritt Peralta Institute, Summit Medical Center: 3012 Summit Street, Oakland, (510) 652-7000. Residential inpatient, outpatient, day treatment (mornings and/or evenings offered), workshops, group counseling.
- A local Alcoholics Anonymous may be reached at 510/839-8900 and a local Narcotics Anonymous program may be reached at 510/444-4673.

Policy Distribution Procedures:

DSPT will distribute this Policy on Alcohol Use and Illegal Drug Possession to all employees, faculty and students on an annual basis using the following procedure:

- Students will receive a copy of the Drug-Free Workplace Policy at the time of initial enrollment and at the beginning of every Fall semester thereafter. Annually, the Registrar will ensure that the enrollment agreement is signed by every student to acknowledge receipt of the Drug-Free workplace policy. A copy of this acknowledgement form will be kept in the Registrar's office.
- Faculty and Staff employees will receive a copy of the Drug-Free Workplace Policy with the initial agreement of employment. It will be read, and the signature page will be returned with the employment agreement. Annually, the Title IX coordinator will be responsible for distributing the policy to current Faculty and Staff employees.

Biennial Review

This policy will be reviewed on biennial basis by the Senior Administration of the School. As required by the U.S. Department of Education, the required review has two objectives: 1) to determine the effectiveness of, and to implement any needed changes to the AOD prevention Program; and 2) to ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently. The review will include data submitted by the Berkeley Police Department as part of the annual campus safety report. Any internal DSPT data (reports) filed during the review period also will be reviewed and used to determine the efficacy of the policy and area(s) of improvement.

The final approved review report will be signed by the President of DSPT and maintained online as part of the disclosure documentation and information page maintained at the DSPT website.

Appendix A – Federal Trafficking Penalties for Controlled Substances¹

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/ Quantity	Penalty	Substance/ Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

¹ See Drug Enforcement Agency <http://www.dea.gov/druginfo/ftp3.shtml> , accessed on 12/10, 2015.

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 Gram	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants Hashish More than 10 kilograms Hashish Oil More than 1 kilogram	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

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Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

Dominican School of Philosophy & Theology
Drug and Alcohol Policy for a Drug-Free Workplace

By signing this document the employee, or faculty member agrees to abide by the Drug and Alcohol Policy for a Drug-Free Workplace of the DSPT and understands the sanctions associated with violating such policy. DSPT students must sign on an annual basis the contact information sheet which includes an acknowledgement statement of having received and to abide by this policy.

Circle One: Staff Faculty

Name (Print)

ID or SS#

Signature

Date