# Alcohol and other drug abuse

## RESPONSIBLE UW WHITEWATER PERSONNEL:

Dean of Students office

## SCOPE:

This policy applies to all UW-Whitewater students, faculty, staff, and guests

## Policy Statement:

#### Drug-Free Schools and Communities Act

The U.S. Department of Education has adopted final regulations implementing the Drug Free Schools and Communities Act of 1990. This information is a requirement of those regulations to ensure continued federal financial assistance.

The Act requires the University to provide a description, to all students and employees, of the legal sanctions under federal law and Wisconsin law, University disciplinary sanctions that may be imposed, a description of health risks associated with the use of illicit drugs and alcohol, and a listing of the University’s drug counseling and treatment programs.

The law is designed to make it clear that the Department of Education is serious about drug and alcohol prevention on college campuses. It is the intent of the University of Wisconsin-Whitewater to follow the regulations and to support the letter and the spirit of the law.

#### University of Wisconsin-Whitewater

* Congress has enacted the Drug-Free Workplace Act of 1988 which requires the University, as the recipient of federal grants and contracts, to establish and maintain policies designed to create a drug-free workplace. This policy is to comply with these requirements.
* The inappropriate use of controlled substances is detrimental to UW-Whitewater's faculty, academic staff, classified staff, students, and the public they serve. The University will attempt to assist an employee involved with the inappropriate use of controlled substances in obtaining rehabilitation. However, the ultimate responsibility for overcoming a dependency or inappropriate use of controlled substances is that of the employee.

**POLICY OBJECTIVES:**

* Provide a drug-free workplace and assure a safe, healthy work environment.
* Deter the abuse of controlled substances.
* Reduce poor or indifferent job performance and/or rule infractions resulting from abuse or inappropriate use of a controlled substance.
* Provide assistance toward rehabilitation for individuals employed by the University who seek assistance in overcoming a dependency or inappropriate use of controlled substances.

## POLICY:

* The University does not accept nor condone the inappropriate use of a controlled substance by any individual employed by the University. The following statements specify the policy of the University.

1. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on all university property and worksites or during work time, is prohibited. The use or possession of controlled substances on university property is prohibited under s. UWS 18.10, Wisconsin Administrative Code.
2. These policies are a condition of employment and violations may be cause for one or more of the following actions:
   1. Referral to the Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation.
   2. Participation in a drug rehabilitation program.
   3. Suspension from University duty; and/or
   4. Termination of employment.
3. Employees may contact or supervisors may refer employees to the Employee Assistance Program for assistance and confidential service. Participation in the Employee Assistance Program and/or participation in a treatment program will not affect future employment or career advancement, nor will participation protect the employee from disciplinary action for continued substandard job performance or rule infractions.
4. The Employee Assistance Program staff will be responsible for drug-free awareness programs to educate and inform employees and supervisors about:
   1. The dangers of drug abuse in the workplace;
   2. The University's policies pertaining to a drug-free workplace; and
   3. The availability of assistance and confidential services offered through the Employee Assistance Program.
5. All individuals employed by the University must abide by the terms of this policy and if convicted of any criminal drug statute violation occurring in the workplace, must notify their supervisor no later than five (5) days after such conviction.
6. If an employee who is paid from federal funds is convicted of a criminal drug statute for a violation occurring in the workplace, the department head must notify the Dean of Graduate Studies within five (5) days after receiving notice under item 5 above for the purpose of complying with federal regulations.
7. The Dean of Graduate Studies must notify the federal contracting or granting agency within five (5) days after receiving notice under item 6 above. Concurrently, the Dean must notify the Personnel Office if the employee is classified, the Vice Chancellor's Office if the employee is unclassified, or the Assistant Chancellor for Student Affairs' Office if the employee is a student.
8. The appropriate campus office referenced in item 7 above must take appropriate disciplinary personnel action or refer the employee to the Employee Assistance Program within twenty (20) days of receiving notice from the Dean of Graduate Studies.

**DEFINITIONS**

* The term "workplace" means a site for the performance of work done in connection with the employee's assigned University responsibilities.
* The term "employees" means all paid staff of the University.
* The term "controlled substance" refers to a controlled substance as defined in schedule I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).
* The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the federal or state criminal drug statutes.
* The term "criminal drug statue" means a criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

#### FEDERAL SANCTIONS

#### Alcohol

Federal alcohol laws are enforced by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Information about the legal sanctions for violations of the Interstate Transport in Aid of Racketeering (18 U.S.C 1952 with respect to Federally non-tax paid liquor) can be found here: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap95-sec1952.pdf>

#### Illicit Drugs

Federal sanctions for possession or distribution for illicit drugs vary depending on the type of drug, the amount of drug, the background of the offender and other mitigating or aggravating circumstances. For example, a person convicted of simple possession of small amounts of certain types of controlled substances can be imprisoned for up to 3 years and fined $5,000 or more. 21 U.S.C §844 (a). For a full description of penalties for possession and distribution of illicit drugs under federal law, please see: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap13-subchapI-partD.htm>

Below are charts that provide an overview of federal trafficking penalties. Charts can be located at: <https://www.dea.gov/sites/default/files/2021-12/Trafficking%20Penalties.pdf>

#### STATE SANCTIONS

#### Alcohol

The laws of Wisconsin prohibit the sale of alcohol to anyone who has not reached the legal drinking age of 21, and there is a concurrent duty on the part of an adult to prevent the illegal consumption of alcohol on his/her premises. Wis. Stat.125.07(1)(a)(1). Repeated violation of this statute can result in imprisonment of up to 9 months and fine of $10,000. Wis. Stat.125.07(1)(b)(2)(d). It is against the law for an underage person to attempt to buy an alcoholic beverage, falsely represent his/her age, or enter a licensed premise. Violators of this law can be fined $1000, ordered to participate in a supervised work program, and have their driver’s license suspended, Wis. Stat. 125.07(4).

**Illicit Drugs**

The laws of Wisconsin prohibit possession, manufacture, distribution and/or delivery of controlled substances through the Uniform Controlled Substances Act, Wis. Stat. 961. Manufacture, distribution or delivery of a schedule I or schedule II narcotic drugs is a Class E felony subject to up to 15 years in prison and a $50,000 fine, with exceptions. Wis. Stat. 961.41(1)(a). Manufacture, distribution or delivery of a schedule I, II or III non-narcotic drug is a Class H felony subject to 6 years in prison and a $10,000 fine, with exceptions. Wis. Stat. 961.41(1)(b). Additional sanctions vary based on the type of controlled substance, the amount of the controlled substance, whether the individual possessed, manufactured, distributed, delivered the controlled substance or intended to do so, and the number of previous offenses by the individual. For all penalties see Wis. Stat. 961.41, Wis. Stat. 961.42, and Wis. Stat. 961.43. For example, manufacture, distribution or delivery of more than 40 grams of cocaine is a Class C felony subject to 40 years in prison and fine of $100,000. Possession of cocaine without intent to manufacture, distribute or deliver is a Class I felony subject to 3 ½ years in prison and fine of $10,000. In addition to the stringent penalties, prison sentences can be increased when aggravating factors are present, such as when a person distributes a controlled substance to a minor, Wis. Stat. 961.46 (1).

LOCAL SANCTIONS

* Citations for underage drinking, possession of a fake ID, and other alcohol-related violations may be issued by the University Police Department (UWWPD) or the City of Whitewater Police Department (WWPD). In both cases, they have the full force of law and are not just “disciplinary reminders” that will disappear upon graduation. Fines must be paid, and court-ordered sanctions must be fulfilled.
* Both the University Police Department and the City of Whitewater notify the Office of Student Conduct and Community Standards of any students who receive alcohol-related citations from the City of Whitewater Police Department.
  + City of Whitewater Police Department:   
    <https://www.whitewater-wi.gov/153/Police>
  + UW-Whitewater Police Department  
    <https://www.uww.edu/adminaffairs/police>

Procedures:

* A copy of this policy shall be available to every employee. Requests for assistance required to comply with this policy should be directed to the campus Personnel Office for classified personnel, the Vice Chancellor's Office for unclassified personnel, and the Assistant Chancellor for Student Affairs' office for student employees. For new hires, distribution of this notice will occur at the time the I-9 form is processed as part of the federal immigration and naturalization requirements.

##### As amended 1 November 1996

#### HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ALCOHOL ABUSE

#### Alcohol | From the Centers for Disease Control and Prevention:

Drinking too much can harm your health. Excessive alcohol use led to approximately 88,000 deaths and 2.5 million years of potential life lost (YPLL) each year in the United States from 2006 – 2010, shortening the lives of those who died by an average of 30 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years.

* **Short-Term Health Risks:**
  + Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions:
    - Injuries, such as motor vehicle crashes, falls, drownings, and burns.
    - Violence, including homicide, suicide, sexual assault, and intimate partner violence is linked with excessive alcohol consumption.
    - Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
    - Risky sexual behaviors that can result in unintended pregnancy or sexually transmitted diseases, including HIV.
    - Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.
* **Long-Term Health Risks:**
  + Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:
    - High blood pressure, heart disease, stroke, liver disease, and digestive problems.
    - Cancer of the breast, mouth, throat, esophagus, liver, and colon.
    - Learning and memory problems, including dementia and poor school performance.
    - Mental health problems, including depression and anxiety.
    - Social problems, including lost productivity, family problems, and unemployment.
    - Alcohol dependence, or alcoholism.
    - See: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

**Illicit Drugs |** From the National Institute on Drug Abuse

* **General health risks**:
  + Increased spread of infectious diseases.
  + Injection of drugs such as heroin, cocaine, and methamphetamine currently account for about 12 percent of new AIDS cases. Injection drug use is also a major factor in the spread of hepatitis C, a serious, potentially fatal liver disease. Injection drug use is not the only way that drug abuse contributes to the spread of infectious diseases. Illicit drug use causes a form of intoxication, which interferes with judgment and increases the likelihood of risky sexual behaviors. This, in turn, contributes to the spread of HIV/AIDS, hepatitis B and C, and other sexually transmitted diseases.
  + Negative effects of prenatal drug exposure on infants and children**.**
  + The abuse of heroin or prescription opioids during pregnancy can cause a withdrawal syndrome (called neonatal abstinence syndrome, or NAS) in her infant. It is also likely that some drug-exposed children will need educational support in the classroom to help them overcome what may be subtle deficits in developmental areas such as behavior, attention, and thinking. Ongoing research is investigating whether the effects of prenatal drug exposure on the brain and behavior extend into adolescence to cause developmental problems during that time period.
* **Risk from specific drugs:**
  + **Marijuana** impairs short-term memory and learning, the ability to focus attention, and coordination. It also increases heart rate, can harm the lungs, and can increase the risk of psychosis in those with an underlying vulnerability.
  + **Prescription medications**, including opioid pain relievers (such as OxyContin® and Vicodin®), anti-anxiety sedatives (such as Valium® and Xanax®), and ADHD stimulants (such as Adderall® and Ritalin®), are commonly misused to self-treat for medical problems or abused for purposes of getting high or (especially with stimulants) improving performance. However, misuse of these drugs (that is, taking them other than exactly as instructed by a doctor and for the purposes prescribed) can lead to addiction and even, in some cases, death. Opioid pain relievers, for instance, are frequently abused by being crushed and injected or snorted, greatly raising the risk of addiction and overdose. Unfortunately, there is a common misperception that because medications are prescribed by physicians, they are safe even when used illegally or by another person than they were prescribed for.
  + **Inhalants** are volatile substances found in many household products, such as oven cleaners, gasoline, spray paints, and other aerosols, that induce mind-altering effects; they are frequently the first drugs tried by children or young teens. Inhalants are extremely toxic and can damage the heart, kidneys, lungs, and brain. Even a healthy person can suffer heart failure and death within minutes of a single session of prolonged sniffing of an inhalant.
  + **Cocaine** is a short-acting stimulant, which can lead users to take the drug many times in a single session (known as a “binge”). Cocaine use can lead to severe medical consequences related to the heart and the respiratory, nervous, and digestive systems.
  + **Amphetamines**, including methamphetamine, are powerful stimulants that can produce feelings of euphoria and alertness. Methamphetamine’s effects are particularly long-lasting and harmful to the brain. Amphetamines can cause high body temperature and can lead to serious heart problems and seizures.
  + **MDMA (Ecstasy or “Molly”)** produces both stimulant and mind-altering effects. It can increase body temperature, heart rate, blood pressure, and heart-wall stress. MDMA may also be toxic to nerve cells.
  + **LSD** is one of the most potent hallucinogenic, or perception-altering, drugs. Its effects are unpredictable, and abusers may see vivid colors and images, hear sounds, and feel sensations that seem real but do not exist. Users also may have traumatic experiences and emotions that can last for many hours.
  + **Heroin** is a powerful opioid drug that produces euphoria and feelings of relaxation. It slows respiration, and its use is linked to an increased risk of serious infectious diseases, especially when taken intravenously. People who become addicted to opioid pain relievers sometimes switch to heroin instead, because it produces similar effects and may be cheaper or easier to obtain.
  + **Steroids**, which can also be prescribed for certain medical conditions, are abused to increase muscle mass and to improve athletic performance or physical appearance. Serious consequences of abuse can include severe acne, heart disease, liver problems, stroke, infectious diseases, depression, and suicide.
  + **Drug combinations**. A particularly dangerous and common practice is the combining of two or more drugs. The practice ranges from the co-administration of legal drugs, like alcohol and nicotine, to the dangerous mixing of prescription drugs, to the deadly combination of heroin or cocaine with fentanyl (an opioid pain medication). Whatever the context, it is critical to realize that because of drug–drug interactions, such practices often pose significantly higher risks than the already harmful individual drugs.
  + *See: https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/addiction-health*

**Standards of Conduct Prohibiting the Unlawful Possession, Use, or Distribution of Illicit Drugs and Alcohol by Students and Employees**

#### Students

The University of Wisconsin System and UW-Whitewater prohibit the unlawful possession, use, distribution, manufacture or dispensing of illicit drugs (“controlled substances” as defined in Ch. 961, Wis. Stat.) and alcohol in accordance with s. UWS 18.09, Wis. Adm. Code, by students. The use or possession of alcoholic beverages is also prohibited on University premises unless expressly permitted by the chief administrative officer or under institutional regulations, in accordance s. UWS 18.09, Wis. Adm. Code. Without exception, alcohol consumption is governed by Wisconsin statutory age restrictions under s. UWS 18.09(1)(b) Wis. Adm. Code.

#### Student Discipline and Sanctions for Violations of the Code of Conduct

* Illegal use, possession, manufacture, or distribution of alcohol or controlled substances is subject to disciplinary action. UW-Whitewater will impose disciplinary sanctions on students for violations of UW-Whitewater’s code of conduct. Such sanctions are administered by the Dean of Students Office, Office of Student Conduct and Community Standards in the Division of Student Affairs through the disciplinary process outlined in Chapter 17 of the UW System Administrative Code. Sanctions, as defined by s. UWS 17.085 Wis. Adm. Code, are any of the following: a written reprimand, denial of specific university privileges, payment of restitution, educational or service sanctions including community service [and referral to appropriate counseling or treatment programs], disciplinary probation, imposition of reasonable terms and conditions on continued student status, removal from a course in progress, enrollment restrictions on a course or program, suspension, expulsion.
* Additionally, students who are convicted of possessing or selling illegal drugs may be ineligible for student financial aid. <https://www.uww.edu/financialaid/process/eligibility>

#### Student Athletes

The Dean of Students Office works collaboratively with the Athletics Department to educationally address student non-academic misconduct. Student Athletes are responsible to following all University polices and polices set by the Athletics Department. The policies set by the Athletics Department can be found at: <https://uwwsports.com/sports/2007/8/28/student-athlete_handbook.aspx?tab=handbook>

#### Student Organizations

Student organizations and or individuals associated with student organizations are required to follow all federal, state, local laws, and university policies no matter the location they are in. Non-academic misconduct by a student organization is subject to be educationally addressed by the Dean of Students Office and the Student Activities and Involvement office. The policies that a student organization must also follow are located: student org misconduct policy & Chapter 17 & 18

[Student Organization Misconduct Policy](o%09https:/www.uww.edu/dean-of-students/policies-and-resources#student-organization-misconduct-procedures)

#### Tailgate Policy

Tailgating is permissible in accordance with the below policy. Individuals or groups found out of compliance will be held responsible under Chapter 17 and 18. University Police and Dean of Student are responsible for enforcement of the policy.

<https://uwwsports.com/sports/2014/9/5/FAC_0905140802.aspx>

#### University Events Policy

* + Events: <https://www.uww.edu/uc/reservations/room-request#large-event-requests-special>
  + Purchase Policy: <https://www.uww.edu/documents/uc/Alcohol%20policy%20Final%20Approved%208..13.pdf>
  + Services: <https://www.uww.edu/uc/services>

#### University Housing

The Dean of Students Office works collaboratively with University Housing to educationally address student non-academic misconduct. Students who live in the residence halls are responsibly for following all the University policies as well as University Housing policy. University Housing policy can be found at: <https://www.uww.edu/housing/policies>

#### Employees

Employees are expected to follow all federal, state, local laws and university polices. The University recognizes that employees may be of legal age to consume alcoholic beverages and should do so responsibly. Should an employee wish to seek assistance with concerns related to addiction the University works with the Employee Assistance Program (EAP) KEPRO. The website to for more information is: <https://www.uww.edu/adminaffairs/hr/eap>

#### CARE Concern

If you have a concern about alcohol use by a student, please submit the form linked below and someone from our CARE team will follow up with them.

<https://www.uww.edu/dean-of-students/support-services/care-team>

#### Resources

* **Alcohol eCheckup to Go** is a free screening to assess alcohol use and risks and provides information on how to reduce alcohol-related risks as well as resources for students. <https://interwork.sdsu.edu/echeckup/usa/alc/coll/index.php?id=UW-Madison&hfs>
* **Marijuana eCheckup to Go** is a free screening tool to assess personal marijuana use and provides information on how to make changes as well as other resources. <https://interwork.sdsu.edu/echeckup/usa/mj/coll/?id=UW-Madison&hfs=true>
* **Rethinking Drinking: Alcohol and Your Health** contains resources such as a BAC/drink calculator and a self-assessment tool to identify risks when drinking. https://www.rethinkingdrinking.niaaa.nih.gov
* **Individual Assessment** through University Health and Counseling Services (UHCS): This UHCS service provides an opportunity to meet one-on-one with an alcohol and drug specialist, who will evaluate the nature of any concerns a student is having with alcohol or drugs. During an assessment, a student is involved in discussing biological, psychological, and social factors affecting alcohol and other drug use. If necessary and appropriate, the counselor can make recommendations for further treatment. <https://www.uww.edu/uhcs/wellness-services/az/alcohol>
* **Referral Programs to Off-Campus Treatment Providers for Students**: UHCS maintains referral sources and care management specialists who assist students requiring treatment referral.
  + **Alcoholics Anonymous- Jefferson County, Rock County & Walworth County** <https://mtg.area75.org/meetings.html>
  + **Narcotics Anonymous – Wisconsin Meeting List** <https://wisconsinna.org/?current-meeting-list=1>
  + **Virtual Bar BAC Calculator** <https://www.responsibility.org/drink-responsibly/bac-calculator/>

#### Employees

The University of Wisconsin System and UW–Whitewater prohibit the unlawful possession, use, distribution, manufacture or dispensing of illicit drugs (“controlled substances” as defined in Ch. 961, Wis. Stat.), in accordance with s. UWS 18.09, Wis. Adm. Code, by employees on university property or as part of university activities. The use or possession of alcoholic beverages is also prohibited on university premises, except in faculty and staff housing and as expressly permitted by the chief administrative officer or under institutional regulations, in accordance with s. UWS 18.09, Wis. Adm. Code. Without exception, alcohol consumption is governed by Wisconsin statutory age restrictions under s. UWS 18.09(1)(b) Wis. Adm. Code.

#### Employee Discipline and Sanctions for Violations of the Code of Conduct

* Illegal use, possession, manufacture, or distribution of alcohol or controlled substances is subject to disciplinary action. UW-Whitewater will impose disciplinary sanctions on students for violations of UW-Whitewater’s code of conduct. University employees will be subject to disciplinary sanctions, up to and including termination from employment, for violation of these provisions occurring on University property or the work site or during work time. In addition to discipline, or in lieu of it, employees may be referred to appropriate counseling or treatment programs. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules, faculty and academic staff policies, and collective bargaining agreements. Referral for prosecution under criminal law is also possible. Further, violations of s. 18.09, Wis. Adm. Code may result in additional penalties as allowed under Ch. UWS 18, Wis. Adm. Code.
* Employees convicted of any criminal drug statute violation occurring in the work place must notify their dean, director or department chair within five days of the conviction if they are employed by the university at the time of the conviction.
* **Self-Assessment Tool, Online Screening for Alcohol** is a free resource that helps individuals assess their own alcohol consumption patterns to determine if their drinking is likely to be harming their health or increasing their risk for future harm: [www.alcoholscreening.org](http://www.alcoholscreening.org)
* **Individual Assessment for Employees**: The Employee Assistance Program (EAP) has licensed clinical social workers who meet one-on-one with employees for counseling using an “assess and refer” model to identify and treat substance abuse concerns. Employees can initiate contact on their own or as a result of a referral by their supervisor or human resources manager: <https://www.uww.edu/adminaffairs/hr/eap>
* **Referral Programs to Off-Campus Treatment Providers for Employees**: All of the State of Wisconsin health care insurance options have a substance use treatment benefit. EAP will make referrals to treatment centers based on an employee’s health insurance and/or refer to self-pay options. In the case of a formal referral from a supervisor or a human resources manager, EAO will provide case management on attendance and compliance. Employees can also consult their personal physician for referral information and assistance.
* **Worksite Wellness** is one way our campus is supporting employee’s wellness. There are links to opportunities for employees to address personal wellness and engage with the campus community. <https://www.uww.edu/worksitewellness>

### Policy History

[**Last**](https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/medical-withdrawal-policy/#B.PolicyTimeline) **review:** *01/9/2023*

**Scheduled Review for Student Handbook**

Next review: *07/01/2023* | Dean of Students

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| **POLICY RESPONSIBILITY INFORMATION** | |
| **Division:** |  |
| **Department:** |  |
| **Contact Information:** | 262-472-#### |
| **Original Issuance Date:** | Historical information unavailable |
| **Effective Date:** | Month Year |
| **Revised Date:** | Month Year |