POLICY

Effective Date: 30-day review draft

Preventing the Misuse and Abuse of Alcohol and Other Drugs

Western Washington University is committed to an environment which is free of alcohol and other drug abuse and misuse for students, faculty, and staff. It maintains this commitment in support of academic excellence, work performance, and quality of life as well as for the current and future wellbeing of all members of the University community. This policy applies to all members of the University community as defined below.

Definitions:

**Controlled Substances:** Substances designated as schedule I through V under the Comprehensive Drug Abuse Prevention & Control Act of 1970 (Title 21, Part B, section 812) and Code of Federal Regulations (Part 1301.11 schedule I), including marijuana which remains an illegal controlled substance under federal law. See RCW 69.50.101.

**Drug:** For the purpose of this policy, the term drug includes:

1. Controlled substances, as defined in 21 USC 802 and RCW 69.50.101, which cannot be legally obtained,
2. Legally obtainable controlled substances which were not legally obtained, including prescribed drugs when:
   a) Prescription is no longer valid (e.g., use of medication after a course of treatment is completed),
   b) Used contrary to the prescription, or
   c) Issued to another person.

3. Over-the-counter drugs when intentionally used contrary to product instructions (i.e., for purposes of causing intoxication)

**Drug Paraphernalia:** Any equipment, product or accessory that is intended or modified for, using, manufacturing, selling, distributing, or concealing drugs, typically for recreational purposes such as, but not limited to, pipes, bongs, scales, vapers, and rolling papers and as otherwise defined by RCW 69.50.

**Employee:** University executive officers, temporary and permanent faculty, classified staff, professional staff, and student employees (including undergraduate and graduate teaching and research assistants) and University Advancement employees. See RCW 49.17.020.

**Marijuana:** For the purpose of this policy, marijuana means any product derived from the plant *Cannabis* with a THC content greater than .03 percent dry weight. These products include but are not limited to the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. See RCW 69.50.208(f),

**Possession:** As defined by applicable law or regulation. See RCW 560.50.4013 Controlled Substances, and RCW 69.50.4014 Marijuana.

**University Sponsored Group Trip:** An academic related trip including students and supervised by University faculty and/or staff that is through the:

- WWU Study Abroad Program
- A field course: Curriculum-required courses where learning takes place in a natural environment under the supervision of faculty and/or staff leaders. Field courses can be of long duration that last several days or weeks, or moderate duration like a weekend trip, or
- A field trip: A small component of course activities that provide an opportunity for students to add essential, real-life experiences to their learning. Field trips are commonly of short duration that last up to a day or so.

**University Activity:** Any academic or non-academic activities approved, funded, or sponsored/co-sponsored by the University including but not limited to those activities which are extension of academic courses, internships, field trips, conferences, athletic events, or other activities sponsored by Western Washington University, Outreach and Extended Education, the Western Foundation, or the Western Alumni Office.
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**University Athletic Events:** Includes varsity, intramural or club sports, and is applicable at both on and off campus events, and to the University community participating in or in attendance at the event.

**University Community:** The University community includes:

- Employees (as defined above),
- Board of Trustees (BOT) Member,
- University volunteers,
- Matriculated and non-matriculated students,
- Visitors and contractors, and contractors’ employees present at University activities and/or on University controlled property,
- Alumni attending University or alumni activities or accessing resources.

**University Property:** Includes any outdoor property or building/facility space owned or leased by the University.

**Workplace:** Any building or space utilized by employees of the University where work is being performed or that the University has the right of access or control.

1. **Western Commitment to a Drug-Free Workplace and Educational Environment**

Western Washington University complies with and enforces the requirements of the federal Drug-Free Schools and Communities Act Amendments of 1989, and the Drug-Free Workplace Act of 1988. When state and federal laws regarding drugs and alcohol conflict, the University must comply with the law that is more restrictive.

In compliance with the most restrictive laws and in support of the University’s commitment to a safe, ethical, and productive work and educational environment, the University strictly prohibits the following on University property, during University work and academic and student activities:

a) Distributing alcohol to anyone under the age of 21,
b) Drinking or possessing alcohol if under the age of 21,
c) Drinking or possessing alcohol and/or drugs (regardless of age) when prohibited at the location or in specified circumstances,
d) Using, manufacturing, distributing, or possessing illegal drugs or drug paraphernalia (see also Section 4 regarding marijuana),
e) Using drugs or alcohol illegally,
f) Misuse of/impaired by alcohol or drugs, or
g) Bringing, using, or serving alcohol at a University event without the required approvals.

The University is subject to federal reviews for compliance. Violations can result in:

a) Repayment of any or all forms of federal financial assistance received by the University,
b) Suspension or termination of a federal contract or grant, and/or
c) Terminated (debarred) as a federal contractor, or
d) Fines and potential loss of ability to receive funds through federal resources.

2. **Policy to be Enforced in Coordination with Collective Bargaining Agreements (CBAs) or Memorandums of Understanding (MOUs)**

When the policy conflicts with employee CBAs or MOUs, the CBAs and MOUs will take precedence over this policy as long it does not cause the University to be in violation of the law. When the CBAs or MOUs are silent regarding specific requirements of this policy, the policy will take precedence as applicable.

3. **The University Drug and Alcohol Abuse Prevention Program (DAAPP)**

The University will maintain a Drug and Alcohol Abuse Prevention Program in accordance with federal law which requires federal contractors and institutions of higher education that receive federal financial aid to establish and maintain a DAAPP to prevent the unlawful manufacture, possession, use, or distribution of illicit drugs, controlled substances, and alcohol misuse by all students and employees on school premises or as part of any of its work, academic, or student activities. The DAAPP specifies information to be distributed annually and requires assessment of enforcement and effectiveness of all campus program elements. Specific delegated compliance oversight responsibility is outlined in Section 26.

See the University Standards: Maintaining a University Drug Prevention Program (STN-U1700 for information on how the University is implementing the required elements of the Program.

4. **Marijuana Use, Possession, Manufacture, or Distribution on University Property is Prohibited**

a) The use, possession, manufacture, or distribution of marijuana is prohibited on University controlled property or during University activities. Although Washington state law allows for limited use, possession, manufacturing, and distribution of marijuana, it is illegal under federal law with which the University must comply. Medical use of marijuana is also prohibited by federal law. Therefore, individuals with a prescription for medical marijuana must still comply with this section. See RCW 69.50.208.

*Exception*: This does not restrict student or employee legal use of Marijuana under state law as long as it does not take place on University property or during University activities or impact work performance. Students and employees are encouraged to consult with their medical practitioner for alternative treatment methods.

b) Distribution of marijuana through the U.S. postal service is a federal offense where both the sender and recipient can face federal criminal charges. Campus mail services (including residence halls) are required to immediately contact University police upon suspicion of drug distribution through University Mail Services.

5. **Students Must Comply with Conduct Code**

In addition to the requirements of this policy, students must comply with requirements outlined in Western’s Student Conduct Code (WAC 516-21).
In situations involving intoxication, alcohol poisoning, or drug-related medical issues, students are encouraged to seek swift medical assistance for themselves and others without fear of penalty. Students requesting and receiving medical assistance in these situations will not typically be subject to the student conduct process. See WAC 516-21-055 Amnesty, and RCW 69.50.315 Medical Assistance -Drug Related Overdose. Also see WAC 516-21-120 which specifically prohibits Hazing.

6. Employees are Prohibited from Being Under the Influence of Alcohol or Drugs During Work Related Activities

Employees are prohibited from being under the influence of alcohol or drugs while performing job duties, conducting University business, driving a University vehicle, and/or participating in any on or off campus University-related activity. This section applies to any work activity covered by University funds and/or on University paid time.

Exception 1:

The prohibition does not apply to proper use of over the counter or prescribed medication. However, any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, they are not a safety risk to themselves and others while on University property, while driving a University or privately-owned vehicle, or while otherwise engaged in University business.

If use of medication could adversely affect their work performance or workplace safety, the employee must contact the Disability Administrator in Human Resources to discuss options including sick leave, workplace adjustments or accommodations. The employee need only disclose the side effects of a medication, not the medical reason or drug name.

Exception 2:

For work related events that have authorized alcohol service, such as during conference social networking hours, foundation fundraising events, and department retreat social hours, legal alcohol consumption is permitted. Employees are always expected to maintain professional behavior when representing Western at such events.

Exception 3:

Exceptions may be made for University Sponsored Group Trips. See sections 7 below.

7. Impairment by Alcohol and Drug Use Prohibited During University Sponsored Group Trips

Those responsible for supervising students on University sponsored trips are required to comply with the law in their relevant jurisdiction and avoid impairment while supervising students, whether within or outside their immediate presence.

8. Employees Must Comply with State Driving Rules

When driving University owned or leased vehicles, employees are prohibited from:
a) Using tobacco products, including vaporizer pens, or
b) Transporting alcohol, marijuana, or any other intoxicating substances in state vehicles unless transporting such substances is within the scope of the driver’s official job duties.

When driving a personal vehicle for work related activities, employees are to abide by all applicable state laws.

9. **Individuals with Suspended or Revoked Drivers Licenses are Prohibited from Driving**

No person, including students, volunteers, or contractors may operate a vehicle on University property or while engaged in University business if their driver’s license has been revoked or suspended.

Any employee, including student employees, who is required to have a valid driver’s license for the performance of their job, must notify their immediate supervisor of any revocation or suspension of their driver’s license, or upon conviction of violating any substance-related driving law, on the first workday following notice of the license suspension, revocation, or otherwise determined to be invalid.

10. **University will Comply with Federal Requirements for Positions Requiring Commercial Driver’s License**

The University will comply with federal requirements for hiring and employing individuals in positions requiring a commercial driver’s license. See the *Random Drug/Alcohol Testing Employees in CDL Positions Policy* (POL-U5410.04).

11. **Employees Convicted of Criminal Drug Charges are Required to Notify Supervisors Within Five Days**

Employees convicted of a federal or state criminal drug violation which occurred while at the workplace or while engaged in work-related activities are required to notify their Department Head or Dean within five calendar days of the conviction. The Department Head or Dean must report the notice to Human Resources in accordance who will determine if the employee’s position is federally funded and notify with federal reporting requirements. Also see Section 2 of this policy (Collective Bargaining Agreements and Memorandums of Understanding).

12. **Financial Aid Recipients Convicted of Federal or State Criminal Drug Charges are Required to Immediately Notify Financial Aid Department in Writing**

Students who receive financial aid through the University are required to immediately notify the Financial Aid Office of the conviction if the following apply:

a) The federal or state drug conviction occurred during a period of enrollment for which the student was receiving federal student aid; and/or

b) If the student was denied federal benefits for drug trafficking by a federal or state judge.
At State or federal convictions may include, but are not limited to, unlawful possession, drug trafficking, or distribution. Such convictions may make students ineligible for financial aid. See the Financial Aid Department website for more information regarding federal and state drug convictions, eligibility impact for receiving financial aid, and regaining eligibility.

The Financial Aid Department will then follow the Reporting Criminal Drug Convictions for Federal Aid Recipients procedure (PRO-U100.07B).

13. **Use of Alcohol or Drugs for Academic or Research Purposes Requires Department Controls**

When alcohol or drugs are needed for academic or research purposes, the department will follow the Standards for the Use of Alcohol or Drugs for Academic or Research Purposes (STN-U1000.07B).

14. **Serving Alcohol at University Activities or on University Property Requires Prior Approval**

Prior approval is required to serve alcohol for any event taking place on University property or during a University activity. This includes external parties utilizing University property for an event. Approval may be obtained through the Application to Serve Alcohol Beverages and accompanying guidance must be followed.

15. **University Prohibits Sale of Alcohol**

The sale of alcohol on University property or during University activities is prohibited. Exceptions may be granted to external parties leasing University property for a private event.

16. **Individuals are Responsible for their Own Behavior, Counseling or Support Assistance and/or Treatment**

The University strongly encourages students and employees to seek counseling or support assistance and/or treatment when dealing with substance abuse or repetitive behavior that may lead to dependency. The University recognizes the importance of supporting individuals through substance abuse/dependency challenges, however, successful remediation of the issues and success as a student or employee of the University will only be achieved if the individual accepts responsibility for their own behavior and treatment. Individuals are encouraged to utilize the resources below to obtain University support and avoid possible sanctions.

17. **Western Committed to Providing Resources for Students and Employees**

The University recognizes that alcohol and drug abuse and dependency are treatable illnesses and encourages students and employees who may have alcohol or drug abuse problems to seek counseling, support and/or treatment for them.

**Students**

- Alcohol/Drug Consultation, Assessment & Support (ADCAS) Services: 360.650.3164
- Counseling Center: 360.650.3164
Western Maintains Opioid-Related Overdose Response Plan

To prevent opioid-related overdoses and respond to medical emergencies resulting from overdoses, University Police will comply with Washington state issued opioid-related overdose policy guidelines and training requirements. See STN-U1000.07C Standards for Responding to Opioid-Related Overdose.

Marketing, Advertising, and Event Promotion Referencing Availability or Use of Marijuana or Alcohol is Prohibited

Western does not permit any form of marketing, or advertising of the use (including limited or responsible use) of alcohol or marijuana products on University property or through any University event promotion either physical copy or electronic notification, to include but not limited to email, electronic signage or media platforms, posters, fliers, handbills, or displays. Events approved to serve alcohol are not to include an announcement or reference, either directly or implied, regarding the offering of alcohol service at the event. Exceptions to this rule may be approved by the University Marketing Office.

Exception: This restriction does not pertain to advertising in the student-operated newspaper, The Western Front, and such advertising is allowed at the discretion of the University.

Contractors and Volunteers Prohibited from Use of Drugs or Alcohol

Contractors and volunteers are to refrain from using or being impaired by alcohol and/or drugs in the course of performing contracted or volunteer work.

Campus Visitors and Guests are Required to Comply with University Regulations

The University will enforce this policy, and violations thereof, and take action against campus visitors including, but not limited to, individuals who are on University property or attending a University-related event and are not enrolled students, are the guest of a student or employee, participating in a camp or program, attending a meeting, or consulting with an office or department, or are individuals who are engaged in providing a service such as contractors, subcontractors, volunteers, or service providers, on University controlled property.

Corrective action for campus visitors found in violation of this policy is to be handled through University Police.
22. External Individuals or Groups Leasing University Space Required to Comply with University Policy

All University applicable policies must be complied with by external individuals or groups when on University property. Alcohol may be served at private events when in compliance with the Standards for Approval to Serve Alcohol (STN-U100.07D).

23. Employees Must Maintain Confidentiality as Required by Law and University Policy

Complaints and investigations regarding violations of this policy will be maintained in a confidential manner to the extent permitted or required by state and federal law. University departments and programs assisting employees or students with alcohol/drug related situations must maintain confidentiality practices in accordance with applicable state and federal law. Departments unsure of privacy requirements or best practices are to consult with the:

- University Family Education Rights and Privacy Act (FERPA) Officer,
- University HIPAA Officer.
- Employee Disability Administrator, or
- Student Disability Access Center.

24. Known or Suspected Violations are to be Reported

To assist the University in sustaining a safe and productive work and educational environment, members of the University community are expected to report suspected violations of this policy, associated standards, procedures, or collective bargaining agreements. Supervisors must remove employees from safety sensitive work when there is reasonable suspicion and take appropriate corrective action as warranted by positive evaluation and/or test results.

Reports are to be made to the following offices based on the individuals involved in the known or suspected situation:

<table>
<thead>
<tr>
<th>Situation Involves</th>
<th>Report To</th>
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<tbody>
<tr>
<td>Employee or volunteer</td>
<td>Human Resources</td>
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<tr>
<td>Student/Visitor in a residence hall</td>
<td>Residence Life</td>
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<tr>
<td>Student</td>
<td>Student Life</td>
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<tr>
<td>Marketing/Advertising</td>
<td>University Communications and Marketing</td>
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<tr>
<td>Alumni</td>
<td>Alumni Office</td>
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<td>BOT Member</td>
<td>President’s Office</td>
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<tr>
<td>Contractor or contractor’s employees</td>
<td>Contract Administration</td>
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<tr>
<td>Visitor</td>
<td>University Police</td>
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25. Proper Authorities to Promptly Respond to Reported Incidents

Supervisors and other proper authorities are to promptly respond to reported incident. Following sufficient investigation and review, identified individuals will be held accountable for their actions while under the influence of alcohol or other drugs.
Intervention for employees and students who violate policy or have performance or attendance problems resulting from alcohol or drug abuse or intentional substance misuse may include referral to available assessment and counseling, disability accommodations, support, or treatment services, and/or disciplinary action including but not limited to a warning, suspension, termination/expulsion and/or legal actions.

Investigations, reviews, and intervention will be documented and conducted in accordance with applicable:

a) University policies, standards, and procedures,
b) Federal, state, and local laws,
c) Student Code of Conduct (WAC 516-21),
d) Housing Agreement for students living in University residences, and
e) Employee handbooks and/or collective bargaining agreements.

26. Compliance Oversight and Enforcement is Managed through Delegated Areas of Responsibility

Compliance with Federal requirements, creation and review of drug and alcohol-related policy, procedures and standards, and oversight of enforcement actions are to be implemented and monitored by the identified compliance owners in accordance with the elements of an effective compliance program as outlined in the University Compliance Program. Compliance owners and partners will coordinate efforts to implement compliance requirements with this policy and relevant procedures and standards when a situation involves an overlap of responsibility. Each compliance owner and partner, as listed below, are responsible for implementing training on this policy in their respective areas of responsibility.

Oversight Related to Students

The Executive Director of Student Life, in collaboration with the Director of University Residences, under the direction of the Vice President of Enrollment and Student Services, are the delegated compliance partners responsible for consistent implementation of the student code of conduct, an effective student disciplinary program, and overseeing annual evaluation of compliance and consistent enforcement of behavioral standards and procedures outlined in this policy as they pertain to students.

The Executive Director of Student Life under the direction of the Vice President of Enrollment and Student Services is the delegated compliance owner responsible for:

- Developing and overseeing the implementation and dissemination of Federally required information.
- Developing, overseeing compliance of, and enforcing written standards and procedures under this policy as they pertain to students.
- Drug and alcohol-related education and training for students which covers student specific behavioral requirements and procedures under this policy.
Oversight of Employees and Volunteers

The Assistant Vice President for Human Resources is the delegated compliance owner responsible for developing, overseeing compliance of, and enforcing written standards and procedures under this policy as they pertain to classified and professional staff and volunteers.

The Provost is the delegated compliance owner responsible for developing, overseeing compliance of, and enforcing written standards and procedures under this policy as it pertains to faculty, visiting faculty, and faculty guests.

Oversight Pertaining to Visitors and Guests

The Director of Public Safety is the delegated compliance owner responsible for developing, overseeing compliance of, and enforcing written standards and procedures under this policy, and applicable laws and regulations as they pertain to visitors and guests.

Oversight for the Purchasing, Service, and Disposal of Alcohol and Drugs

The Chief Procurement Officer (CPO) is the delegated compliance partner responsible for developing, overseeing compliance of, and enforcing written standards and procedures under this policy as they pertain to the purchasing, transportation, service, and disposal of alcohol. When the purchasing of alcohol or drugs is necessary for academic/research purposes, the CPO will work with the Associate Vice Provost for Research and Sponsored Programs and Public Safety to establish proper protocol and controls.

The Director of Environmental Health and Safety is the delegated compliance partner responsible for developing compliance of, and enforcing written standards and procedures under this policy as they pertain to disposal of unwanted or expired alcohol and other DEA drugs used in research or instructional settings.

Oversight of Contractors and Vendors

The Chief Procurement Officer is the delegated compliance partner responsible for developing and overseeing compliance and enforcement of standards and procedures under this policy as they pertain to contractors and vendors.

Oversight of Marketing or Advertisement Involving Reference to Use or Promotion of Alcohol and Other Drugs

The Director of Marketing, in collaboration with the Executive Director of Student Engagement is the delegated compliance owner responsible for developing, overseeing compliance of, and enforcing written standards and procedures under this policy as they pertain to University marketing related to the use or promotion of alcohol and other drugs.

Oversight of Illegal Activities

The Director of Public Safety is the delegated authority for enforcing all laws related to illegal activities and communicating incidents with the appropriate compliance owners and partners.
such as Human Resources, the Provost, or the Executive Director of Student Life when applicable.