



PimaCommunityCollege

2020-2021 Drug- and Alcohol-Free Environment Notification

The provisions herein comply with the Federal Regulations regarding the Workplace Act of 1988 and the "Drug-Free Schools and Communities Act and Drug and Alcohol Prevention Regulations."

Pima Community College is an equal opportunity, affirmative action employer and educational institution committed to excellence through diversity. Upon request, reasonable accommodations will be made for individuals with disabilities. Every effort will be made to provide reasonable accommodations in a timely manner. For public and employee accommodation requests, as well as information related to the ADA complaint process, contact the College ADA Coordinator at 520-206-4945 or 4905C E. Broadway Blvd., Tucson, AZ 85709-1130. For PCC student accommodation requests, please contact Access and Disability Resources, 520-206-6688 or adrhelp@pima.edu.

Pima County Community College District

Annual Drug-and Alcohol-Free Environment Notification

Drug Free Schools and Communities Act Information

As a requirement of Drug-Free Schools and Communities Act and Drug and Alcohol Prevention Regulations, Pima Community College is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis.

Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to Jeffrey Lanuez, Chief Human Resources Officer, and Assistant Vice Chancellor for Human Resources, Acting, at jlانuez@pima.edu, or at (520) 206-4624.

Drug-Free Schools and Communities Act

Pima Community College is committed to the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226, 20 U.S.C. §1145g). The unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees is prohibited. Violating or failing to comply with published rules and regulations of conduct on College property or during a College activity and/or being under the influence of, using, selling, possessing, or distributing any illicit drugs or alcohol on College property or as part of any of its activities is subject to disciplinary action that may include exclusion, suspension, or expulsion.

Additionally, local, state, and federal laws prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol. Conviction for violating these laws can lead to imprisonment, fine, probation, and/or assigned community service. Students convicted of a drug- and/or alcohol-related offense will be ineligible to receive federally funded or subsidized grants, loans, scholarships, or employment. Pima Community College does fully subscribe to and cooperate with the local, state, and federal authorities in the enforcement of all laws regarding the unlawful possession, use, or distribution of illicit drugs and alcohol.

There are definite health risks associated with the use of alcohol and illegal substances. Students who experiment with drugs, alcohol, and illegal substances, or use them recreationally, may develop a pattern of use that leads to abuse and addiction. Use of alcohol and illegal substances is a major factor in accidents and injuries, and among persons between the ages of 18 and 24, it is responsible for more deaths than all other causes combined. College officials will assist students with appropriate referrals and information concerning drug and alcohol education, counseling, treatment, or rehabilitation or reentry programs that may be available in the community. Contact the Student Services Center on any campus for information.

Pima Community College

Administrative Procedure 2.20.01: Drug-and Alcohol-Free Environment

Purpose

Pima Community College (“PCC” or the “College”) is committed to providing and maintaining a safe, healthy, and productive environment for Students, Employees, and Visitors, free from hazards associated with Drug and Alcohol abuse in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989. In furtherance of that commitment, PCC issues this Administrative Procedure (AP). This AP is also intended to ensure compliance with the Arizona Drug Testing of Employees Act, A.R.S. § 23-493 et seq. This Administrative Procedure (AP) also provides the College’s process by which it complies with the Arizona Medical Marijuana Act, A.R.S. § 36-2801, et seq.

Exceptions to this AP may be granted by the Chancellor or his/her designee for College-sponsored and approved events, on or off College Property, where Alcohol may be served.

Section 1: Definitions

“Alcohol” means a beverage intended for human consumption that contains ethanol in a concentration over one-half of one percent (0.5%) by volume. This definition does not include prescribed or over-the-counter medications or extracts intended for use as flavorings in food preparation.

“AP” means Administrative Procedure, which replaces the term “Standard Practice Guide” (“SPG”).

“AZPOST” means the Arizona Peace Officer Standards and Training Board.

“CDL” means “Commercial Driver’s License.”

“College Community” means, collectively, all persons employed by, volunteering for, enrolled in classes at, or visiting the College or attending any College Sponsored Activity.

“College Property” means any campus, building or grounds owned, leased, operated, or controlled by the College.

“College Sponsored Activity” means any event, activity, or endeavor officially sanctioned by the College or any on- or off-campus activity initiated, aided, authorized, or supervised by the College’s administration or official organizations. Except when Students are being escorted or hosted by College Employees, this definition does not include off-campus, after-hours business meals, entertainment, fundraisers, conferences and association meetings, or other social settings where Alcohol is not expressly prohibited.

“Conviction” means any finding or adjudication of criminal guilt, including one based on a plea of no-contest.

“Drug” means any controlled substance (including marijuana) under Schedule I through V of the Controlled Substances Act (21 U.S.C. § 812), as well any prescription medication, over-the-counter medication, or other over-the-counter substances when the use of such medication or substance results in Impairment of the user.

“Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does

not include unpaid Volunteers. "FMCSA" means Federal Motor Carrier Safety Administration "Illicit" means prohibited by state or federal law or College policy.

"Impairment" or "Impaired" means an adverse physical or mental effect on an individual caused by the use of Alcohol or Drugs, including a diminished capacity for speech, cognition, judgment, movement, balance, dexterity, agility, and/or coordination.

"Medical Marijuana" means marijuana that is prescribed and administered lawfully under state law to treat or alleviate a Medical Marijuana Cardholder's medical condition or the symptoms associated with that medical condition pursuant to A.R.S. § 36-2801, et seq.

"Medical Marijuana Cardholder" means a person who possesses a valid registry identification card issued by the Arizona Department of Health Services pursuant to A.R.S. § 36-2801, et seq.

"Drug Paraphernalia" means items used for the purpose of preparing, injecting, ingesting, inhaling, or otherwise using Drugs.

"Reasonable Suspicion" exists when an Employee exhibits behavior that an average person of ordinary intelligence, exercising ordinary care, skill, and judgment, would believe suggests Impairment from Drug or Alcohol use, including but not limited to, any of the following:

- Observed use of Alcohol or Illicit Drugs during work hours or on College Property;
- Excessive tardiness or excessive early departure from work;
- Excessive or unauthorized absences that are not otherwise explainable;
- Accidents on the job in which injuries or property damage occur;
- Significant changes in personal behavior, appearance, or physical care that are not otherwise explainable, including, without limitation, any of the following:
 - *An odor of Alcohol, marijuana, or other Drugs;*
 - *Unusually glassy eyes;*
 - *Unusually dilated or constricted pupils;*
 - *Difficulty maintaining balance;*
 - *Uncharacteristically slow, rapid, slurred, or incoherent speech;*
 - *Uncharacteristic aggressiveness or other displays of emotion not appropriate to the circumstances or situation;*
- Deteriorating work performance that is not attributable to other factors;
- Statements by the Employee implying the use of Alcohol or Illicit use of Drugs during a time period that could result in Impairment of the Employee's job performance;
- Arrests involving Drug or Alcohol use during, immediately before, or immediately after an Employee's scheduled work hours.

"Safety Sensitive Position" means any job that requires the performance tasks or duties that could affect the safety or health of the Employee performing the task or of other individuals, including, but not limited to, any of the following:

- Providing law enforcement, public safety, security, or medical services;
- Operating a motor vehicle, machinery, or power tools;
- Repairing, maintaining, or monitoring the performance of any equipment, machinery, or manufacturing process, the malfunction or disruption of which could result in injury or property damage;
- Preparing or handling food, medicine, or medical equipment;
- Handling, inspecting, transporting, or disposing of hazardous materials or volatile chemicals;

- Participating in a program which an accreditor or other external authority has identified as requiring Drug or Alcohol testing;
- Working in any occupation regulated pursuant to Arizona Revised Statutes Title 32, “Professions and Occupations”.

“Student” means any person currently enrolled in courses at the College on either a full-time or part-time basis, as well as any person currently registered for or participating in continuing-education classes through the College.

“Under the Influence” means a person’s mental or physical functioning is Impaired as a result of the immediate effects of the presence of Alcohol or Drugs in the person’s system.

“Visitor” means any person physically present on College Property or in attendance at a College Sponsored Activity who is not a current Student, Employee, or authorized Volunteer.

“Volunteer” means any unpaid individual who is not an Employee or Student of the College, and is authorized by the College to perform and voluntarily performs services for the College without promise, expectation, or receipt of compensation, future employment, or other tangible benefit, including academic credit. A Volunteer is not an Employee of the College for any purpose.

Section 2: Possible Legal Sanctions

Local, state, and federal laws prohibit the unlawful manufacture, distribution, sale, dispensing, possession, storage, or use of Alcohol and Illicit Drugs. If convicted of violating one or more of these laws, an individual could be sentenced to imprisonment, fines, probation, and/or mandatory community service. PCC will cooperate fully with the local, state, and federal authorities in the enforcement of all applicable laws.

Pima Community College Police Department has primary responsibility for the enforcement of Federal and State drug and alcohol laws.

See Appendix A: Federal and State Legal Sanctions

Section 3: Health Risks

There are known health risks associated with the use and abuse of Alcohol and Drugs. The excessive use, misuse, or abuse of Alcohol or any Drug, legal or illegal, may cause intoxication and Impairment, as well as physical, psychological, and social harm. Alcohol and/or any Drug used in excess over time can produce illness, disability, and death.

See Appendix B: Drug and Alcohol Health Risks.

Section 4: PCC Statement on Medical Marijuana

The Arizona Medical Marijuana Act (A.R.S. § 36-2801, et seq.) (“the Act”) authorizes the possession and use of marijuana for medical purposes by certain registered individuals (“Medical Marijuana Cardholders”). However, A.R.S. § 15- 108 expressly prohibits the use or possession of marijuana on the campus of any public university, college, or community college, even by registered Medical Marijuana Cardholders.

Furthermore, the Act conflicts with federal laws governing controlled substances in that the distribution, use, and possession of marijuana remain illegal under the federal Controlled Substances Act, Drug-Free Schools and Communities Act (“DFSCA”), and Drug-Free Workplace Act (“DFWA”). Pursuant to the DFSCA and DFWA, any

Institutions that receive federal funding must institute and enforce a drug-prevention program and prohibit the manufacture, use, and distribution of federally controlled substances, including marijuana, or risk being disqualified from receiving future federal funding. PCC receives federal funding in the form of financial aid and grants that would be in jeopardy if those federal laws did not take precedence in the College's policies.

Because of its obligations under federal law, and to ensure Students' and the College's continued access to federal student loans and grants, PCC will continue to prohibit all marijuana use, possession, and distribution on College Property or during any College Sponsored Activity. Employees and Students who violate this policy may be subjected to disciplinary sanctions and possible criminal action even if they are registered Medical Marijuana Cardholders.

Section 5: Employees

A. Standards of Conduct for Employees

All Employees are required to report to work, and remain during all working hours, unimpaired by Alcohol or Drugs and in a condition fit to perform the duties of their respective positions.

Every PCC Employee is subject to this AP and to all applicable College Drug and Alcohol policies, including PCC Board Policy 2.20 and PCC Personnel Policy Statement for College Employees. Violations could result in disciplinary sanctions up to and including termination of employment.

As a condition of their continued employment with PCC, all Employees must abide by this AP and all of the College's Drug and Alcohol policies.

B. Support Resources

Employees dealing with Drug and/or Alcohol problems are encouraged to seek help, either through their own resources or through the College's Employee Assistance Program ("EAP"). All PCC Employees can obtain completely confidential, 24-hour EAP services through Jorgensen Brooks by calling (520) - 575-8623 or toll free at (800) 520-5400, or through www.jorgensenbrooks.com.

Although violations of College policies or unacceptable work performance will not be excused because an Employee has sought assistance, conscientious efforts to obtain such help will not jeopardize an Employee's job and will not be noted in the Employee's personnel file. In cases of possible Drug overdose or Alcohol poisoning, health and safety are the College's primary concerns, and Employees are strongly encouraged to call for medical assistance for themselves or others who may be dangerously impaired.

C. Prohibited Conduct for Employees

No PCC Employee shall engage in any of the following conduct:

1. Violate any of the provisions of this AP;
2. Refuse to submit to a Drug/Alcohol test when directed to do so; fail to report at the specified date and time to the designated testing facility when directed by the College's HR office to submit to a Drug/Alcohol test; attempt to interfere with or alter the outcome of a Drug/Alcohol test, or submit a false sample for testing;
3. Report for work or remain at work when Impaired by Alcohol, and/or Drugs, or a combination of both;
4. Use, distribute, manufacture, dispense, sell, store, or possess Alcohol or Illicit Drugs, including marijuana, on College Property, during the Employee's scheduled work hours, while on official College business, during any formal or informal College Sponsored Activity, or in a College-supplied vehicle;

5. Possess or be Impaired by marijuana on College Property, during the Employee's scheduled work hours, while on official College business, during any on- or off-campus College Sponsored Activity, or in a College-supplied vehicle, even if the Employee is an authorized Medical Marijuana Cardholder;
6. Test positive for any Drug at any time without a legal basis for use of that Drug. For the purpose of this AP, a positive Drug test result is one that indicates the presence of a Drug in the Employee's system that cannot be explained by the prescribed use of otherwise legally obtained prescription medications or other legitimate reason. Employees who only test positive for the presence of marijuana will not be found in violation of the College's Drug and Alcohol policy if a) they are current Medical Marijuana Cardholders; b) they do not demonstrate signs of Impairment on College Property, during any College Sponsored Activity, or during or immediately before or after their scheduled work hours; c) they do not use, possess, or distribute marijuana on College Property or during any College Sponsored Activity, and d) their test results are consistent with their use of marijuana during their non-work hours in the amount prescribed to them;

Requirements for some Employees, such as those in Safety-Sensitive Positions, may be more restrictive than and supersede those stated in this section. Current College Employees and prospective applicants should contact each department directly for specific testing requirements and procedures.

D. Special Restrictions and Provisions for Employees in Safety Sensitive Positions

No Employee in a Safety Sensitive Position may use any Drug, including legal Drugs, prescribed by a physician or otherwise, if the College possesses reliable information that use of that Drug could impair or otherwise negatively affect the Employee's job performance. Employees must work with their physicians to ensure Impairment does not occur. (See also Duty to Disclose Use of Medications, below).

In addition to this general prohibition, Employees in the following positions must comply with additional, specific requirements as noted:

1. Personnel with a CDL are required to follow the FMCSA, 49 CFR Part 382.
2. Commissioned Law Enforcement personnel certified through AZPOST must comply with any rules and requirements promulgated by AZPOST with respect to the use or possession of marijuana or the association with a Medical Marijuana dispensary pursuant to the Arizona Medical Marijuana Act.

Notwithstanding the above, the appropriate possession of Drugs when required to perform one's job is not considered prohibited conduct.

E. Process and Procedures for Employees

1. This AP will be administered by the College's Human Resources ("HR") office.
2. All Drug and/or Alcohol testing will be considered paid work time.
3. All Employees may be subject to Alcohol and Drug testing pursuant to this AP.
4. All Employees shall receive a copy of this AP at the time of their initial employment with the College and after any updates and changes to this AP. As an alternative to providing a printed copy of the, the College may give written notice of the URL address where this AP can be reviewed.
5. The College's HR office shall schedule all Alcohol and Drug testing, arrange for the transportation of Employees to and from such testing, when necessary, and maintain all testing documentation.
6. Specific programs, College divisions, and units with Safety Sensitive Positions may have operational procedures that expand on these general procedures for the College based on the regulations required for those specific programs, divisions and units.

F. Confidentiality

All Drug and/or Alcohol testing, monitoring, and related activities are confidential. All information related to an Employee's Drug and/or Alcohol testing, monitoring, and related activities will be treated by the College as that Employee's confidential information and disclosed only when required by law or specifically authorized by the Employee, or to other College personnel with a specific need to know as determined by the HR office. Documentation must be maintained in a secure and confidential location by the College's HR office.

G. Disciplinary Action

An Employee who violates this AP may be subject to discipline in accordance with College policy up to and including termination of employment.

See Appendix C: Employee Sanctions

Minor procedural errors in the implementation of this AP, as determined by the College's HR office, shall not be grounds for invalidating the results of a Drug or Alcohol test or overturning discipline imposed pursuant to this AP.

H. Duty to Disclose Use of Medication

The College understands Employees under a physician's care may be required to use prescription Drugs. However, an Employee's abuse or misuse of otherwise legal prescription Drugs will be addressed per this AP in the same manner as an Employee's abuse or misuse of Illicit Drugs or Alcohol.

An Employee must inform the College's HR office of the Employee's prescription or non-prescription Drug use if such use will or is reasonably likely to impair the Employee's ability to perform the essential functions of the Employee's job. The information supplied will be kept confidential except, where appropriate, the College's HR office may share the information with the Employee's supervisor and other appropriate administrators, including the Chancellor.

An Employee may be required to provide medical documentation necessary to confirm that the Employee's use of a prescription or non-prescription Drug will not impair his or her performance of the essential functions of his or her job, with or without a reasonable accommodation.

I. Duty to Provide Notice of Criminal Drug and/or Alcohol Convictions

An Employee must inform the College's HR office of any criminal Drug and/or Alcohol Conviction for a violation occurring in the workplace or during the Employee's regular working hours within five (5) calendar days of the Conviction. Federal law requires, if the Employee occupies a position funded in whole or in part by a federal grant, the College will notify the granting agency of such Convictions, regardless of how the College obtained information about the Convictions.

J. Reasonable Suspicion Testing for Employees

Any College Employee who is reasonably suspected of using Alcohol or Illicit Drugs in the workplace, of abusing a controlled substance in the workplace, or of being Impaired by Alcohol or a controlled substance (including Medical Marijuana) while performing the Employee's job duties regardless of where or when the Alcohol or controlled substance was used, will be required to undergo Drug and/or Alcohol testing.

Failure to strictly comply with these procedures shall not invalidate any test results, affect enforcement of this AP, or otherwise preclude disciplining the Employee in question for violating any of the College's Drug and Alcohol policies.

1. Procedures to Be Followed by Supervisors During Reasonable Suspicion Testing

Upon Reasonable Suspicion that an Employee may be impaired by Alcohol or Drugs, a supervisor is to take the following actions:

- a. Immediately notify the supervisor's superior, and, as soon as practicable, notify the College's HR office of the supervisor's suspicion. If the supervisor making the notification is not the suspected Employee's immediate supervisor, the Employee's immediate supervisor must be notified as soon as possible;
- b. Have another supervisor independently observe and evaluate the Employee for indications of Impairment due to Alcohol or Drug use, if possible;
- c. Escort the Employee to a location away from other Employees, Students, and members of the public where the supervisor can speak to the Employee privately and confidentially;
- d. In the presence of the supervisor's superior or another supervisor, if possible, inform the Employee that the supervisor suspects the Employee may be Impaired by Alcohol or Drugs and the basis or bases for that belief, and ask the Employee for his or her explanation of his or her behavior and/or the other conditions giving rise to the supervisor's suspicion;
- e. Document all observations and other information giving rise to the supervisor's Reasonable Suspicion that the Employee may be Impaired by Alcohol or Drugs, and document the Employee's explanation for his or her behavior and/or the other conditions giving rise to the supervisor's suspicion;
- f. If the supervisors, or supervisor and her/his superior, both do not find the Employee's explanation to be reasonable, a supervisor should notify the College's HR office and recommend Drug and/or Alcohol testing. If it is not possible to have another supervisor or superior present to observe the suspected Employee and evaluate the reasonableness of her/his explanation, the recommendation for Drug and/or Alcohol testing may be made by one supervisor;
- g. If a supervisor discovers an Employee is in possession of what reasonably appears to be a controlled substance, Illicit Drug, Drug Paraphernalia, or Alcohol, the supervisor will confiscate the substance or item and all containers and/or Drug Paraphernalia associated with the substance or item and promptly notify the PCC Police Department.

2. Procedures to Be Followed by the College's HR Office During Reasonable Suspicion Testing

- a. A supervisor who reasonably suspects an Employee to be Under the Influence of Drugs and/or Alcohol shall immediately contact Human Resources Employee Relations to report the circumstances and related facts. If it is determined that testing is required, Human Resources Employee Relations shall arrange for the Employee to be tested by the College's contracted testing facility in accordance with the HR office's practice and procedure. Employees who are reasonably suspected of being Under the Influence of Drugs and/or Alcohol are required to voluntarily submit to testing. Failure to voluntarily submit to testing based upon Reasonable Suspicion is in violation of this AP and may lead to corrective/disciplinary action.
- b. If the result of the testing does not indicate a violation of the College's Drug and Alcohol policy, the Employee shall return to work, and any continued performance issues will be addressed in accordance with established College policies and procedures.
- c. If test results indicate a violation of the College's Drug and Alcohol policies, the Employee shall be immediately suspended and the corrective/disciplinary process shall be initiated in accordance with College policy and procedure.
- d. The College will recommend an Employee seek professional counseling for Alcohol and/or Drug issues if/when it is determined to be warranted.

K. Rights of Employees

Any Employee who undergoes Drug or Alcohol testing pursuant to this AP may, upon request, receive a written copy of the test results.

Any Employee who is subject to Drug or Alcohol testing pursuant to this AP has the right, upon request, to explain to the College's HR office in a confidential setting the results of a positive test result.

L. Training

Each College Employee who regularly supervises other Employees shall receive training on maintaining a Drug-and Alcohol-free environment, including the proper implementation of this AP and the College's process for Reasonable Suspicion Testing. The College's HR office will ensure that initial and update training is provided and that participation is monitored.

Section 6: Students

A. Standards of Conduct for Students

As a condition of their enrollment with PCC, Students are required to comply with all College policies regarding the possession and use of Drugs and/or Alcohol, including this AP and the Student Code of Conduct. Due to heightened health and safety concerns, Students in certain academic programs may be subject to additional or stricter Drug and Alcohol policies. Students should contact and consult with their instructors or program administrators for further information about such requirements. Violations could result in disciplinary action and sanctions up to and including expulsion from the College.

B. Support Resources for Students

Students' health and safety is of the utmost concern to the College. Students who are dealing with Drug and/or Alcohol problems are encouraged to seek help either through their own resources or with the assistance of the College. College officials will assist Students with obtaining appropriate referrals and information concerning Drug and Alcohol education, counseling, treatment, and/or rehabilitation or reentry programs available in the area. Students may contact the Student Services Center on any campus for further information.

In cases of possible Drug overdose or Alcohol poisoning, health and safety are the College's primary concerns. Students are strongly encouraged to call for medical assistance for themselves or others who may be dangerously impaired by Drugs or Alcohol. Although violations of College policies or unsatisfactory academic performance will not be excused because a Student has sought assistance for Drug and/or Alcohol problems, the College will treat a Student's help-seeking actions as a health and safety matter, rather than a Code of Conduct or disciplinary matter, when a Student self-reports a Drug and/or Alcohol issue to emergency responders or to College officials.

No Student who seeks medical treatment for a possible Drug overdose or Alcohol poisoning will be subject to disciplinary action by the College for the sole violation of using, possessing, or being impaired by/Under the Influence of Alcohol or other Drugs. The College reserves the right to pursue additional Code of Conduct violations based upon the totality of the Student's conduct and circumstances of the incident or event. Students may still be held accountable for misconduct accompanying or incidental to the use and/or abuse of Alcohol or Drugs, such as disorderly behavior, violence, harassment, or property damage.

See Appendix D: Counseling and Treatment

See Appendix E: PCC Prevention and Education Programs

C. Prohibited Conduct

No Student, regardless of his or her age, may consume, possess, be Under the Influence of or Impaired by, sell, or distribute Alcohol or any Illicit Drug on any College Property or during any College Sponsored Activity. For further information, Students should consult the Student Code of Conduct.

D. Process and Procedures for Students

Student violations of the College's Drug and Alcohol policies will be handled in accordance with the processes and procedures set forth in the Student Code of Conduct.

Students participating in certain academic programs who are suspected of being Under the Influence of Drugs or Alcohol may be required to submit to reasonable suspicion testing as a condition of their enrollment and continued participation in those programs. Students should contact and consult with their instructors or program administrators for further information about such requirements.

E. Student Sanctions for Drug and/or Alcohol Violations

Sanctions issued by the College will consist generally of a combination of educational, corrective, and/ or punitive measures with the primary goal of educating Students about the College's expectations and requirements for their conduct as members of the College Community while also holding Students accountable for their actions and correcting unacceptable behaviors. Students determined to have violated the College's Drug and Alcohol policies may face sanctions up to and including expulsion from the College.

See Appendix F for sanctions from the PCC Student Code of Conduct, Section III. Code Sanction.

Additionally, local, state, and federal laws prohibit the unlawful possession, use, manufacture, or distribution of Illicit Drugs and Alcohol. Students convicted of violating these laws could face imprisonment, fines, probation, and/or mandatory community service.

F. Rights of Students

Students' rights during College disciplinary proceedings for Drug or Alcohol violations, including their right to appeal decisions and sanctions, can be found in the Student Code of Conduct.

Violations of state and federal Drug and Alcohol laws are serious legal matters that could result in large fines and/or the loss of one's freedom. Students facing criminal Drug or Alcohol charges are strongly encouraged to consult with legal representation at their earliest opportunity. The College cannot represent or offer legal advice to Students facing criminal charges.

G. Impact of Drug Convictions on Students' Eligibility for Financial Aid

Under federal law, Students convicted of state or federal Drug offenses that occurred when the Student was enrolled at a higher-education institution and receiving federal financial aid will be ineligible to receive future federally funded or subsidized grants, loans, scholarships, or work-study employment for one or more years or even indefinitely, depending on the nature and number of the Convictions. (See 28 U.S.C. § 1091(r) (1)). Additionally, Students convicted of Drug offenses after receiving federal financial aid could be liable for returning any financial aid received during a period of ineligibility.

Section 7: Volunteers

Volunteers are required to comply with all federal and state laws and College policies regarding the possession and use of Drugs and/or Alcohol, including this AP. Moreover, Volunteers are required to be unimpaired by Alcohol or Drugs while on College Property, during College Sponsored Activities, and at any time while performing services for or on behalf of the College.

Volunteers are not College Employees for any purpose, serve at the pleasure of the College, and are not entitled to any process by the College. The College may, at any time and for any reason, at the College's sole discretion, terminate a Volunteer's service for the College.

Section 8: Visitors

The College is an institution of higher learning that strives to maintain an open and welcoming academic environment. To that end, the College invites and welcomes Visitors to its campuses and sponsored activities. However, the use, possession, or distribution of Alcohol or Illicit Drugs by anyone, as well as the presence of anyone who is Impaired by or Under the Influence of Alcohol or any Drug, on College Property or during College Sponsored Activities, is disruptive to the College environment, detrimental to its academic mission, and a health and safety hazard to the College Community.

Accordingly, all Visitors are required to comply with all federal and state laws and College policies regarding the use, possession, or distribution of Drugs and/or Alcohol, including this AP, while on any College Property or attending any College Sponsored Activity. Visitors who violate College policy or state or federal law while on College Property or attending College Sponsored Events may be subject to arrest and criminal prosecution, and may be banned ("Trespassed") from College Property and future College Sponsored Activities.

Appendix A

Federal and State Legal Sanctions

Federal and state laws prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol. Conviction for violating these laws can lead to imprisonment, fine, probation, and/or assigned community service. Students convicted of a drug- and/or alcohol-related offense will be ineligible to receive federally funded or subsidized grants, loans, scholarships, or employment. Pima Community College will fully cooperate with the local, state, and federal authorities in the enforcement of all applicable laws.

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more.

A conviction will only disqualify a student for funding if the offense occurred during a period of enrollment for which the student was receiving Title IV aid. Also convictions that are reversed, set aside, or removed from a student's record do not count, nor does any conviction received while the student was a juvenile, unless they were tried as an adult.

Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility after completing any of the following options:

- 1) Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;
- 2) Having the conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record; or
- 3) Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student's responsibility to certify to the financial aid office that he/she has successfully completed the rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Federal Drug Schedules

Drugs, substances, and certain chemicals used to make drugs are classified into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependence potential. The abuse rate is a determinant factor in the scheduling of the drug; for example, Schedule I drugs have a high potential for abuse and the potential to create severe psychological and/or physical dependence. As the drug schedule changes-- Schedule II, Schedule III, etc., so does the abuse potential-- Schedule V drugs represent the least potential for abuse. A Listing of drugs and their schedule are located at Controlled Substance Act (CSA) Scheduling or CSA Scheduling by Alphabetical Order. These lists describe the basic or parent chemical and do not necessarily describe the salts, isomers and salts of isomers, esters, ethers and derivatives which may also be classified as controlled substances. These lists are intended as general references and are not comprehensive listings of all controlled substances.

Please note that a substance need not be listed as a controlled substance to be treated as a Schedule I substance for criminal prosecution. A controlled substance analogue is a substance which is intended for human consumption and is structurally or pharmacologically substantially similar to or is represented as being similar to a Schedule I or Schedule II substance and is not an approved medication in the United States. (See 21 U.S.C. §802(32) (A) for the definition of a controlled substance analogue and 21 U.S.C. §813 for the schedule.)

Schedule I

Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Some examples of Schedule I drugs are:

heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3, 4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote

Schedule II

Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are:

Combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin

Schedule III

Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence. Schedule III drugs abuse potential is less than Schedule I and Schedule II drugs but more than Schedule IV. Some examples of Schedule III drugs are:

Products containing less than 90 milligrams of codeine per dosage unit (Tylenol with codeine), ketamine, anabolic steroids, testosterone

Schedule IV

Schedule IV drugs, substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence. Some examples of Schedule IV drugs are:

Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien, Tramadol

Schedule V

Schedule V drugs, substances, or chemicals are defined as drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Schedule V drugs are generally used for antidiarrheal, antitussive, and analgesic purposes. Some examples of Schedule V drugs are:

cough preparations with less than 200 milligrams of codeine or per 100 milliliters (Robitussin AC), Lomotil, Motofen, Lyrica, and Parepectolin.

Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 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 injury, life imprisonment.</p> <p>Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 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 injury, life imprisonment.</p> <p>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>
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 gm or more pure or 1 kg or more mixture		

DRUG/SCHEDULE	QUANTITY	PENALTIES
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>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.</p>
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>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.</p>
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p>
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Federal Trafficking Penalties – Marijuana

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	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.	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 (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	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.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture; More than 1 kg of hashish oil; 50 to 99 marijuana plants	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.	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 (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight); 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I) 10 kg or less			
Hashish Oil (Schedule I) 1 kg or less			

* The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

For complete information on Federal Drug laws, download the latest 2020 Edition of Drugs of Abuse, DEA Resource Guide at: <https://www.dea.gov/documents/2020/04/13/drugs-abuse>

Arizona penalties for drug and alcohol violations

Title 4 Liquor Misdemeanor Penalties

Section	Sub.	Description	Class	Penalty
§ 4-241 Selling or giving liquor to underage person; illegally obtaining liquor by underage person;	L	A person who is under the legal drinking age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce a person to sell, serve, give or furnish spirituous liquor contrary to law	1 Misd.	6 mos. & \$250
	M	A person who is under the legal drinking age and who solicits another person to purchase, sell, give, serve or furnish spirituous liquor contrary to law	3 Misd.	30 Days & \$250
	N	A person who is under the legal drinking age and who uses a fraudulent or false written instrument of identification or identification of another person or uses a valid license or identification of another person to gain access to a licensed establishment	1 Misd.	6 mos. & \$250.
	P	A person who knowingly influences the sale, giving or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person with the intent of selling, giving or serving it to a person under the legal drinking age	1 Misd.	6 mos.
§ 4- 244 Unlawful Acts	20	For a person to consume spirituous liquor in a public place, thoroughfare or gathering.	2 Misd.	4 mos.
	34	For a person under twenty-one years of age to drive or be in physical control of a motor vehicle while there is any spirituous liquor in the person's body.	1 Misd.	6 mos.
	35	For a person under twenty-one years of age to operate or be in physical control of a motorized watercraft that is underway while there is any spirituous liquor in the person's body.	2 Misd.	4 mos.
	41	For a person under twenty-one years of age to have in the person's body any spirituous liquor.	2 Misd.	4 mos.

Driving Under the Influence

	\$250	\$500	\$1,000	\$1,250	\$1,500
Additional Penalty Assessments Applicable to Driving, Boating, Operating an Aircraft Under the Influence (Not subject to any surcharge)	§ 28-1382 (D)(3), (E)(3)	§ 5-395.01 (L)*	§ 5-397 (D)(4)*	§ 5-395.01 (L)*	§ 5-396 (I)*
	§ 28-1383(J)(2)	§ 5-395.01 (M)**	§ 5-397 (D)(5)**	§ 5-395.01 (M)**	§ 5-396 (J)**
		§ 28-1381 (I)(4)*	§ 28-1382 (D)(6)*	§ 5-397 (F)(4)*	§ 28-1383 (J)(4)*
		§ 28-1381 (I)(5)**	§ 28-1382(D)(7)**	§ 5-397 (F)(5)**	§ 28-1383 (J)(5)**
		§ 28-8284 (D)(4)*		§ 28-1381 (K)(5)*	§ 28-8288 (A)(5)*
		§ 28-8284(D)(5)**		§ 28-1381 (K)(6)**	§ 28-8288 (A)(6)**
		§ 28-8286 (6)*		§ 28-1382 (F)(6)*	
				§ 28-1382 (F)(7)**	
				§ 28-8287 (A)(6)*	
				§ 28-8287(A)(7)**	

* Applicable to all violations committed on or after March 13, 2004.

** Applicable to all violations committed on or after August 12, 2005.

Personal Possession & Use of Drugs—§ 13-901.01

A person convicted of a first or second offense for the personal possession or use of a controlled substance as defined in § 36-2501 must be placed on probation unless the person is also convicted of a violent offense defined in § 13-901.03. Incarceration may not be imposed as an initial condition of probation for a first offense. If a person convicted of a first offense is found to be in violation of probation by committing an offense listed in Title 13, Chapter 34 or 34.1 or an act in violation of an order of the court related to drug treatment, the person may be incarcerated upon reinstatement of probation. Participation in an appropriate drug treatment or education program is a required condition of probation and each person enrolled in a program shall pay for participation in the program to the extent of the person's financial ability. A person convicted of a second offense may be incarcerated as a term of probation.

Penalties for Misdemeanors—§ 13-707, § 13-802

Class	Jail-Maximum	Fines Before Surcharges (persons)
1	6 months	Up to \$2,500
2	4 months	Up to \$750
3	30 days	Up to \$500
Petty Offense	No jail	Up to \$300

A.R.S. § 13-707(B) provides that a person convicted of the same misdemeanor or petty offense within two years of the date of the present offense shall be sentenced for the next higher class of offense for which the person currently stands convicted. Except for misdemeanor offenses prosecuted in a justice or municipal court, the presumptive fine imposed on an enterprise must be the median of the allowable range for the violation involved. With specified exceptions, the amount of the fine must be reduced by 25% if the enterprise had an effective program to prevent and detect violations of law when the offense was committed. Whether or not there is a program, five times the maximum allowable fine may be charged under circumstances prescribed in § 13-823.

A.R.S. §13-824 provides that the court may order a defendant convicted of a misdemeanor in a limited jurisdiction court to perform community restitution in lieu of payment of all or part of a fine, a fee, assessment or incarceration cost (but not a surcharge) if the court finds the defendant is unable to pay all or part of the fine, fee, assessment or incarceration cost. The amount of community restitution is credited at \$10 per hour toward the monetary obligation.

Other Sentencing Provisions

If a person is sentenced to a term of imprisonment, the court at the time of sentencing shall impose on the convicted person a term of community supervision equal to one day for every seven days of the sentence or sentences imposed. A.R.S. § 13-603(I).

A person may earn release credits of one day for every six days served, unless prohibited by statute. Commutation is possible, unless otherwise provided by law. A.R.S. § 41-1604.07.

A person convicted of a violent crime as defined in A.R.S. § 13-901.03 committed while the person is under the influence of marijuana, a dangerous drug or a narcotic drug is not eligible for release or probation until the entire sentence has been served. A.R.S. § 41-1604.15.

General Crimes Sentencing Ranges

First Time Non-Dangerous Felony Offenses—§ 13-702					
Felony Class	First Offense—§ 13-702(D)				
	Mitigated *	Minimum	Presumptive	Maximum	Aggravated*
Class 2	3 yrs.	4 yrs.	5 yrs.	10 yrs.	12.5 yrs.
Class 3	2 yrs.	2.5 yrs.	3.5 yrs.	7 yrs.	8.75 yrs.
Class 4	1 yrs.	1.5 yrs.	2.5 yrs.	3 yrs.	3.75 yrs.
Class 5	.5 yrs.	.75 yrs.	1.5 yrs.	2 yrs.	2.5 yrs.
Class 6	.33 yrs.	.5 yrs.	1 yrs.	1.5 yrs.	2 yrs.

Probation eligible, except for drug offenses in which the amount exceeds the statutory threshold pursuant to § 13-3405(C), § 13-3407(D), (E), (F) & (G), or § 13-3408 (D) & (E)

**Two or more mitigating or aggravating factors, as applicable. A.R.S. § 13-702*

NON DANGEROUS OFFENSES—REPETITIVE OFFENSES—§ 13-703															
Class	Category One—(§ 13-703(H))					Category Two—(§ 13-703(I))					Category Three—(§ 13-703(J))				
	MIT*	MIN	P	MAX	AGG*	MIT*	MIN	P	MAX	AGG*	MIT*	MIN	P	MAX	AGG
2	3	4	5	10	12.5	4.5	6	9.25	18.5	23	10.5	14	15.75	28	35
3	2	2.5	3.5	7	8.75	3.25	4.5	6.5	13	16.25	7.5	10	11.25	20	25
4	1	1.5	2.5	3	3.75	2.25	3	4.5	6	7.5	6	8	10	12	15
5	.5	.75	1.5	2	2.5	1	1.5	2.25	3	3.75	3	4	5	6	7.5
6	.25	.5	1	1.5	1.8	.75	1	1.75	2.25	2.75	2.25	3	3.75	4.5	5.75

Drug Offense Sentencing Ranges

Drug Threshold Amounts—§ 13-3401(36)

DRUG	THRESHOLD AMOUNT
Amphetamine & Methamphetamine	9 grams (including in liquid suspension)
Cocaine	9 grams (powder form) — 750 milligrams (rock form)
LSD	1/2 milliliter (liquid form) — 50 dosage units (blotter form)
Marijuana	2 pounds
PCP	4 grams or 50 milliliters

For any combination consisting solely of the drugs listed above, the threshold is an amount equal to or in excess of the threshold amount as determined by the application of A.R.S. § 13-3420.

For any drug not listed above, or any combination of drugs not listed above, the threshold is an amount with a value of at least \$1,000.

Unless otherwise provided by statute, penalty provisions for a specific drug offense are found in the statute in Title 13, Chapter 34 defining that offense. Note: Probation is required for persons convicted of possession or use of a controlled substance or drug paraphernalia. A.R.S. §13-901.01.

DRUG OFFENSES—MULTIPLE OFFENSES § 13-3419 Below Statutory Threshold Amounts—§ 13-3419(A)(1),(2)										
Class	Second Offense					Third and Subsequent Offenses				
	MIT	MIN	P	MAX	AGG	MIT	MIN	P	MAX	AGG
2	3	4	5	10	12.5	3	4	5	10	12.5
3	1.8	2.5	3.5	7	8.7	1.8	2.5	3.5	7	8.7
4	1.1	1.5	2.5	3	3.7	1.1	1.5	2.5	3	3.7
5	.5	.75	1.5	2	2.5	.5	.75	1.5	2	2.5

 Probation eligible.

DRUG OFFENSES—MULTIPLE OFFENSE—S§ 13-3419) Equals or Exceeds Statutory Threshold Amounts—§ 13-3419(A)(3),(4)									
Class	Second Offense					Third and Subsequent Offenses			
	MIT	Min	P	Max	AGG	Min	P	Max	AGG
2	3	4	5	10	12.5	4	7	12	15
3	1.8	2.5	3.5	7	8.7	2.5	5	9	11.2
4	1.1	1.5	2.5	3	3.7	1.5	3	5	6.2
5	.5	.75	1.5	2	2.5	0.75	2.5	4	5

The mitigated sentence does not apply to a person sentenced pursuant to §13-3419(A) (4). For non-multiple drug offense sentencing ranges, refer to the general crimes sentencing ranges.

Summary of Arizona Revised Statutes

- § 13-3402. Possession and sale of peyote
- § 13-3403. Possession and sale of a vapor-releasing substance containing a toxic substance
- § 13-3405. Possession, use, production, sale or transportation of marijuana
- § 13-3406. Possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs; misbranded drugs
- § 13-3407. Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs
- § 13-3407.01. Manufacturing methamphetamine under circumstances that cause physical injury to a minor
- § 13-3408. Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs
- § 13-3409. Involving or using minors in drug offenses
- § 13-3454. Manufacture or distribution of imitation prescription-only drug
- § 13-3455. Manufacture or distribution of imitation over-the-counter drug
- § 13-3456. Possession or possession with intent to use imitation controlled substance
- § 13-3457. Possession or possession with intent to use an imitation prescription-only drug
- § 13-3458. Possession or possession with intent to use an imitation over-the-counter drug
- § 28-1381. Driving or actual physical control while under the influence

For full definitions of the listed drug and alcohol offenses, refer to Arizona Revised Statutes at:

<https://www.azleg.gov/arstitle/>

For full information of criminal penalties and fees, refer to Criminal Code Sentencing Provision

<https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf>

Appendix B

Health Risks

(Excerpted from National Institute on Drug Abuse, Alcohol's Effects on the Body <http://www.niaaa.nih.gov/alcohol-health/alcohols-effects-body>)

Alcohol's Effects on the Body

Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here's how alcohol can affect your body:

Brain: Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart: Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – Stretching and drooping of heart muscle
- Arrhythmias – Irregular heart beat
- Stroke
- High blood pressure

Research also shows that drinking moderate amounts of alcohol may protect healthy adults from developing coronary heart disease.

Liver: Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis, or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

Pancreas: Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer: Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

- Mouth
- Esophagus
- Throat
- Liver
- Breast

Immune System: Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

Drug's Effects on the Body

For complete information on drug health risks, download the latest 2020 Edition of Drugs of Abuse, DEA Resource Guide at: <https://www.dea.gov/documents/2020/04/13/drugs-abuse>

Cocaine: A powerfully addictive stimulant drug made from the leaves of the coca plant native to South America. Short term health risks include narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy, alertness; insomnia, restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, coma. Long term health risks include loss of sense of smell, nosebleeds, nasal damage and trouble swallowing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss from decreased appetite.

Heroin: An opioid drug made from morphine, a natural substance extracted from the seed pod of the Asian opium poppy plant. Short term health risks include euphoria; warm flushing of skin; dry mouth; heavy feeling in the hands and feet; clouded thinking; alternate wakeful and drowsy states; itching; nausea; vomiting; slowed breathing and heart rate. Long term health risks include collapsed veins; abscesses (swollen tissue with pus); infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia.

Ketamine: A dissociative drug used as an anesthetic in veterinary practice. Dissociative drugs are hallucinogens that cause the user to feel detached from reality. Short term health risks include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion and problems speaking; loss of memory; problems moving, to the point of being immobile; raised blood pressure; unconsciousness; slowed breathing that can lead to death. Long term health risks include ulcers and pain in the bladder; kidney problems; stomach pain; depression; poor memory.

LSD: A hallucinogen manufactured from lysergic acid, which is found in ergot, a fungus that grows on rye and other grains. LSD is an abbreviation of the scientific name lysergic acid diethylamide. Short term health risks include rapid emotional swings; distortion of a person's ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness and insomnia; loss of appetite; dry mouth; sweating; numbness; weakness; tremors; enlarged pupils. Long term health risks include frightening flashbacks (called Hallucinogen Persisting Perception Disorder [HPPD]); ongoing visual disturbances, disorganized thinking, paranoia, and mood swings.

Marijuana: Marijuana is made from the hemp plant, *Cannabis sativa*. The main psychoactive (mind-altering) chemical in marijuana is delta-9-tetrahydrocannabinol, or THC. Short term health risks include enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; hallucinations; anxiety; panic attacks; psychosis. Long term health risks include mental health problems, chronic cough, and frequent respiratory infections.

MDMA (Ecstasy/Molly): A synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. MDMA is an abbreviation of the scientific name 3, 4-methylenedioxy-methamphetamine. Short term health risks include lowered inhibition; enhanced sensory perception; confusion; depression; sleep problems; anxiety; increased heart rate and blood pressure; muscle tension; teeth clenching; nausea; blurred vision; faintness; chills or sweating; sharp rise in body temperature leading to liver, kidney, or heart failure and death. Long term health risks include long-lasting confusion, depression, problems with attention, memory, and sleep; increased anxiety, impulsiveness, aggression; loss of appetite; less interest in sex.

Mescaline (Peyote): A hallucinogen found in disk-shaped "buttons" in the crown of several cacti, including peyote. Short term health risks include enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature, heart rate, blood pressure; sweating; problems with movement.

Methamphetamine: An extremely addictive stimulant amphetamine drug. Short term health risks include increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat. Long term health risks include anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems (“meth mouth”), intense itching leading to skin sores from scratching.

PCP: A dissociative drug developed as an intravenous anesthetic that has been discontinued due to serious adverse effects. Dissociative drugs are hallucinogens that cause the user to feel detached from reality. PCP is an abbreviation of the scientific name, phencyclidine. Short-term health risks include delusions, hallucinations, paranoia, problems thinking, a sense of distance from one’s environment, anxiety. Low doses can cause slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of the hands or feet; problems with movement.

High doses can cause lower blood pressure, pulse rate, breathing rate; nausea; vomiting; blurred vision; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; suicidal thoughts; seizures, coma, and death. Long-term health risks include memory loss, problems with speech and thinking, depression, weight loss, anxiety.

Prescription Opioids: Pain relievers with an origin similar to that of heroin. Opioids can cause euphoria and are often used nonmedical, leading to overdose deaths. Short-term health risks include pain relief, drowsiness, nausea, constipation, euphoria, confusion, slowed breathing, death.

Prescription Sedatives (Tranquilizers, Depressants): Medications that slow brain activity, which makes them useful for treating anxiety and sleep problems. Short-term health risks include drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing.

Prescription Stimulants: Medications that increase alertness, attention, energy, blood pressure, heart rate, and breathing rate.

Increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages. Short term health risks include dangerously high body temperature and irregular heartbeat; heart failure; seizures. Long term health risks include heart problems, psychosis, anger, paranoia.

Psilocybin: A hallucinogen in certain types of mushrooms that grow in parts of South America, Mexico, and the United States.

Short term health risks include hallucinations, altered perception of time, inability to tell fantasy from reality, panic, muscle relaxation or weakness, problems with movement, enlarged pupils, nausea, vomiting, and drowsiness.

Long term health risks include risk of flashbacks and memory problems.

Rohypnol® (Flunitrazepam): A benzodiazepine chemically similar to prescription sedatives such as Valium® and Xanax®. Teens and young adults tend to abuse this drug at bars, nightclubs, concerts, and parties. It has been used to commit sexual assaults due to its ability to sedate and incapacitate unsuspecting victims. Short term health risks include drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate.

Steroids (Anabolic): Man-made substances used to treat conditions caused by low levels of steroid hormones in the body and abused to enhance athletic and sexual performance and physical appearance. Short term health risks include headache, acne, fluid retention (especially in the hands and feet), oily skin, yellowing of the skin and whites of the eyes, infection at the injection site. Long term health risks include kidney damage or

failure; liver damage; high blood pressure, enlarged heart, or changes in cholesterol leading to increased risk of stroke or heart attack, even in young people; aggression; extreme mood swings; anger (“road rage”); paranoid jealousy; extreme irritability; delusions; impaired judgment.

Appendix C

Employee Sanctions

From Personnel Policy Statement for College Employees, Section V:

The following actions are the recognized disciplinary actions available to the College. These actions may be used in isolation or they may be used in combination. An oral or written directive may be given outside, or in addition to, the disciplinary action process, but may not necessarily be a part of the disciplinary action process.

Following any disciplinary action, other than termination, there will be a disciplinary probation period of six months. During this period of time, the supervisor will provide feedback and evaluation to the employee. During this period, the supervisor and appropriate administrator can initiate further disciplinary action if warranted.

A. Written Reprimand

A written reprimand is a disciplinary action to document the misconduct or failure to perform or meet job standards and warns that any future violations will result in more severe disciplinary actions, including possible suspension, demotion, and/or termination.

The employee will sign the reprimand to acknowledge receipt. A copy of the reprimand will be provided to the employee and the signed copy acknowledging receipt will be placed in the employee's personnel file. Employees may provide a written response for inclusion with the copy of the reprimand in the personnel file.

After a period of one year, the employee, with the concurrence of his/her supervisor and administrative supervisor, may recommend to the Chief Human Resources Officer that the written reprimand be removed from the employee's personnel file, provided there has been no other misconduct, or failure to meet job requirements, or subsequent disciplinary action. If it is the decision of the Chief Human Resources Officer to remove the written reprimand from the employee's personnel file, the document will be removed and forwarded to the employee. If the decision by the Chief Human Resources Officer is to not remove the reprimand, the employee may again request removal after another one (1) year period has elapsed.

B. Disciplinary Reassignment

The College may choose, for disciplinary reasons, to reassign the employee to a different position within the same pay grade and within the current administrative unit. This action is taken when the College believes that such reassignment will benefit the College and the employee.

C. Disciplinary Transfer

The College may choose, for disciplinary reasons, to transfer the employee to a different position within the same pay grade in a different administrative unit. This action is taken when the College believes that such transfer will benefit the College and the employee.

D. Suspension

A suspension is considered to be a significant disciplinary action and may be used for what the College believes are more serious incidents or repetitions of improper job performance or conduct. Notice of suspension will be delivered to the employee personally or by certified mail to the last known address. The notice will contain the specific reason(s) for and the duration of the suspension. The employee will sign and return a copy of the suspension decision to acknowledge receipt. The signed copy acknowledging receipt will be placed in the employee's personnel file. The employee may provide a written response within ten days for inclusion with the suspension decision in the personnel file.

i. Notice in Lieu of Suspension

The employee will receive notice that a suspension is warranted, but due to College operational concerns, the employee remains at work.

ii. Administrative Leave With Pay

The employee may be placed on administrative leave with pay, until a decision is made regarding his/her employment status with the College.

iii. Suspension Without Pay

The employee will not be compensated and may not use or accrue leave for any period of suspension without pay. Other benefits may be affected in accordance with College policy on leave without pay.

E. Demotion

A demotion is a very significant disciplinary action where the employee is assigned to a different position at a lower pay grade. Such a demotion may require moving the employee to a different administrative unit. The College considers a demotion to be the most severe form of discipline short of termination, but should be regarded as an attempt to find an alternative position within which the employee may satisfactorily meet the College's expectations.

F. Termination of Employment

Termination of regular employment may be used for what the College believes are most serious incidents or repetitions of improper job performance or conduct. Authority to terminate employment rests with the Governing Board.

i. Notice of Recommendation to Terminate

The Executive Administrator shall prepare a written notice recommending termination of employment, which shall be delivered to the employee either personally or by certified mail, return receipt requested, to the employee's last known address. The notice will contain the reasons for the proposed termination and will afford the employee an opportunity to provide a written response to the Chancellor. The employee will sign and return a copy of the notice to acknowledge receipt.

ii. Notice of Decision

After consideration of any additional information (including any response by the employee), the Chancellor shall issue a written notice of decision to the employee. The notice of decision will contain the reasons for the decision and, where applicable, advise the employee of the right to grieve the action. The employee will sign and return a copy of the notice to acknowledge receipt. The signed copy acknowledging receipt will be placed in the employee's personnel file.

a. If the Chancellor determines that termination is not warranted, the notice of decision will advise the employee and specify any action that will be taken in lieu of termination.

b. If the Chancellor determines that termination is warranted, the notice of decision will advise the employee that termination will be recommended to the Governing Board and that the employee will be placed on administrative leave with pay pending action by the Governing Board on the recommendation to terminate.

Appendix D

Counseling and Treatment

Counseling

Our student-focused counselors can help you find solutions to educational, career and personal concerns. We tap into resources both at Pima Community College and community agencies.

PCC College Counselors;

Help personal issues and with finding community resources for assistance. There are counseling offices on all PCC campuses.

- Meet students who are in recovery and utilizing treatment services, or who were arrested for an offense related to substance abuse.
- Assist students who are trying to balance life, study, and work obligations.
- Participate in Drug and Alcohol Events to raise awareness.
- Work with Student Life, to bring awareness to these issues, and provide resources.
- Provide referral resources for students who need them.
- Address concerns about impairment while on campus.
- Discuss substance abuse issues in Student Success classes.

PCC counselors are available to work with students at all campuses.

Students can meet with an advisor or counselor or get immediate assistance by phoning:

Student Wellness Assistance phone number which provides 24/7 service: 1-833-251-9941

- Desert Vista Campus, 206-5000
- Downtown Campus, 206-7171
- East Campus, 206-7000
- Northwest Campus, 206-2200
- West Campus, 206-6600

Off Campus Community Services

- Community Information and Referral Services - 1-800-352-3792.
 - This Tucson organization acts as a public guide to community programs throughout Southern Arizona.
- ULifeline - <http://www.ulifeline.org/main/Home.html>
 - ULifeline is an online resource for information on suicide prevention, drugs and mental health. Just select "Arizona", then "Pima Community College" to get information and contacts to help with the stresses of college life.
- WebTribes - <http://www.webtribes.com/>
 - WebTribes is an online support destination. WebTribes is made up of social networking support communities.

- PCC Community Counseling Student Resources pamphlet lists the following services:
 - Alcohol Anonymous - Support group for people who want to stop drinking.
 - Al-Anon - Support group for friends and family of people with alcohol problems.
 - Pathways - Pathways of Arizona utilizes the “Seven Challenges” model to treat adolescent substance abuse. This evidence based program is offered in individual and group settings at outpatient and intensive outpatient levels. Seven Challenges teaches youth to think critically and make informed choices about how they deal with life, improving not only substance abuse but mental health conditions which often co-occur with it.

Appendix E

PCC Prevention and Education Programs

Pima Community College provides information on drug and alcohol abuse awareness through a variety of means including presentations, health fairs, on-line, and informational postings.

Passive Presentations (posters, pamphlets)

A variety of posters and pamphlets warning of the consequences of drunk driving, mixing alcohol with drugs, and alcohol abuse.

- “If You Drink Have a Plan”
- “Stop at the Buzz”
- “The Risk is the Mix”
- “Safe Drinking Levels”
- “Sobriety Checkpoint”
- “Alcohol and Other Drugs: Do you know the facts?”

Active programs for students and employees included:

“Going Out So Are We, National Collegiate Alcohol Awareness, NO Texting & Driving”

With the holidays around the corner the Student Life Office appreciates the opportunity to partner with the PCC Campus Police to emphasize the importance of sober driving, no texting and driving, and planning ahead. Students, staff, and faculty will make a personal commitment to avoid and prevent driving drunk and texting while driving.

“At the end of the day what ride do you want to take after drinking, in a hearse or a taxi, Choose Your Ride”. ”
Never Text and Drive.”

“Spring Break Preparedness Party (How to stay safe)”

- Information for students about staying safe and aware of surrounding during Spring Break

Health and Wellness Fairs

- Information provided by various vendors related to health and wellness topics

Active programs for employees include:

Promoting a Substance-free Workplace (web based)

- To provide employees and supervisors with an understanding of the benefits of a substance-free work environment, to help them understand the impact substances have in the workplace and recognize signs of employee substance abuse.
- Target Audience: All employees and supervisors

Recognizing Drug and Alcohol Impairment (facilitated)

- This workshop will cover relevant definitions as well as signs and symptoms of impairment. It will provide an explanation of current college policy and the role of the supervisor and co-worker in identifying these incidents. Scenario discussions will help facilitate class discussion on appropriate steps and actions to be taken.
- Target Learners: Any employee with supervisory responsibility.

Pima Community College Police Department (PCCPD) efforts include:

College community awareness programs such as:

- Choose Your Ride: Outreach programs to discourage drunk driving. These include presentations, safety fairs, public area displays. Include the use of alcohol impairment goggles that simulate the effects of alcohol consumption on the body.

Alcohol-Free Activities:

PCC offers a broad range of alcohol-free activities that involve student clubs and organizations, recreation services at YMCA North and the Clements Center, academic opportunities, social programs, cultural events and others. Some of these activities specifically target evening, and weekend audiences to divert high-risk weekend drinking into pro-social activities.

Appendix F

Student Sanctions

From the Student Code of Conduct, Section VII. Responsive Actions

Responsive Actions

Responsive Actions are any Educational Measure or Disciplinary Sanction imposed on a student by the college as a result of the student accepting responsibility or being found responsible for a Code of Conduct violation. An exception to the above is an immediate suspension, which is a disciplinary sanction that may be imposed prior to a determination that a Code violation has occurred.

The determination of what Responsive Actions may be warranted in a given situation will be based on the specifics of that situation and the student's prior disciplinary record.

Employees Authorized to Impose Responsive Actions

- a. The Dean of Students or Dean's designee may impose Responsive Actions other than academic ethics sanctions.
- b. The Dean of Students, Campus Police Chief, or Campus Police Operations Commander, or their respective designees, may, without prior notice, immediately issue an Immediate Suspension to a student if there is a reasonable basis to believe that the student's continued presence on college property or at college sponsored activities while the student's Code of Conduct proceeding is pending poses a significant threat to the health or safety of the college community or poses a risk of a substantial disruption to ordinary college operations.

Responsive Actions Other Than Academic Ethics Sanctions

Responsive Actions other than academic sanctions mean any one or more of the Actions set out below. Where appropriate, a student may be subject to more than one Responsive Action. For example, a student may be on probation, have an obligation to pay restitution, and be on a conduct agreement at the same time

a. **Educational Measures:**

- i. Restorative justice requirements;
- ii. Financial compensation for actual losses to the College or to a specific individual (e.g., for theft or property damage). The College cannot award damages for pain and suffering or for other intangible injuries, or purely as punishment (i.e., a fine);
- iii. Temporary prohibition (not to exceed six (6) months or one (1) academic year, whichever is greater) from engaging in certain College Sponsored Activities, including Selective Extracurricular Activities. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific activities in question.
- iv. Temporary removal (not to exceed six (6) months or the remainder of the current academic year, whichever is greater) from specific College academic or certificate programs. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific programs.
- v. Temporary restriction on or denial of certain College services (e.g., use of a library or certain College IT Systems), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;
- vi. Temporary restriction on enrollment (e.g., being permitted to take only (or barred from taking any) online classes), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;

- vii. Temporary exclusion (*i.e.*, being “trespassed”) from specified College Property (*e.g.*, a particular College Campus or Learning Center), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;
- viii. A Conduct Agreement
- ix. A written Reprimand (Warning)
- x. Probation

b. Disciplinary Sanctions

- i. Prohibition from engaging in certain College Sponsored Activities, including Selective Extracurricular Activities, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent prohibition. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific activities in question;
- ii. Removal from a specific College academic or certificate program, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent removal. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific programs;
- iii. Restriction on or denial of certain College services (*e.g.*, use of a library or certain College IT Systems), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction;
- iv. Restriction on enrollment (*e.g.*, permitted to take only (or barred from taking any) online classes), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction;
- v. Exclusion (*i.e.*, being “trespassed”) from specified College Property (*e.g.*, a particular College Campus or Learning Center), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent exclusion;
- vi. Suspension from the College for any length of time;
- vii. Expulsion from the College;
- viii. Withholding of a degree or certificate.