

## **NOTIFICATION TO CASE WESTERN RESERVE UNIVERSITY FACULTY AND STAFF**

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988, this notification is being sent to each Case Western Reserve University faculty and staff member. Its purpose is to serve as a reminder of the health risks associated with drug and alcohol abuse; of University policies related to the illegal possession, use or distribution of drugs or alcohol; of the availability of treatment for drug or alcohol problems through the Employee Assistance Program; and of the internal sanctions and federal, state and local legal penalties that may result from the illegal sale, possession, consumption, use or distribution of drugs or alcohol. Additional information is provided in accord with the Drug-Free Workplace Act.

### **HEALTH RISKS OF ALCOHOL**

The United States Department of Education has provided the following information concerning health risks of alcohol. Additional information is available at the U.S. Department of Education and U.S. Department of Labor websites at <http://www.ed.gov/about/offices/list/osdfs/index.html> and <http://www.dol.gov/elaws/drugfree.htm>.

Effects: Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol can significantly impair judgment and coordination, including that required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also can increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will provide the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics themselves.

### **HEALTH RISKS OF CONTROLLED SUBSTANCES**

The Department of Education has provided the attached chart, marked as Appendix A, outlining health risks associated with cocaine, marijuana and other controlled substances.

### **UNIVERSITY POLICIES**

Case Western Reserve University seeks to provide its students, employees and the public with a drug-free environment. The University also has an interest in promoting the highest possible standard of health and welfare among its students, faculty and staff. Therefore, it is the policy of Case Western Reserve University to discourage the unlawful use of controlled substances and the misuse or abuse of alcohol by its students and employees at any time.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or controlled substances, including illicit drugs, is prohibited on property owned or operated by Case Western Reserve University or as part of any of its activities. No University employee may report to or engage in University-related work while under the influence of illegal drugs or alcohol.

Any employee who is convicted of a violation of a criminal drug law as a result of an incident occurring in the workplace must notify the Office of Employee Relations in writing within five (5) days of his or her conviction. Such conviction will be grounds for mandatory evaluation and possible treatment for substance disorder, and for disciplinary action up to and including termination.

The University follows all federal, state and local laws regarding the sale, possession and consumption of alcoholic beverages. Under Ohio law, it is illegal to sell, provide and/or serve beer, wine or liquor to anyone who is under the age of 21. Servers of alcohol and sponsors of social events on campus or a University-sponsored function must be aware of and comply with all state and local laws and with the University alcohol policies and procedures (see "Alcohol Use Permit," and "Alcohol Guidelines" available from the Office of Student Affairs.)

Any student, faculty or staff member found to be in violation of the federal, state and or law, or who violates the University's alcohol and other drug policies is subject to University disciplinary action up to and including termination of employment and/or referral to the appropriate authorities for legal prosecution.

In addition to alcohol, drugs to which these statements and rules apply are currently defined as including, but not limited to:

- Opiates (such as morphine, heroin, codeine, opium, demerol, and paregoric)
- Cocaine
- Gamma-hydroxybutyrate (GHB)
- Methylenedioxymethamphetamine (MDMA, Ecstasy)
- Marijuana
- Hallucinogens (such as LSD, DMT, Mescaline, peyote, and psilocybin)
- Barbiturates (such as nembutal and seconal)
- Tranquilizers
- Neuroleptics (such as phenothiazines)
- Amphetamines (such as benzedrine, methedrine, and dexadrine)
- Methamphetamine in any form
- Synthetic cannabinoids (commonly known as K2 or Spice) and derivatives of cathinone that are found in "Bath Salts."

The terms of this policy statement are conditions of employment at the University.

### **EMPLOYEE ASSISTANCE SERVICE (EASE)**

The University's Employee Assistance Service (EASE), through the Center for Families and Children, provides confidential counseling and community services for employees who need help in dealing with drug or alcohol problems or other problems. EASE utilizes licensed, credentialed counseling professionals including psychiatrists, psychologists, social workers and other trained counselors in many Northeast Ohio locations.

Where referral to EASE is the result of a job performance problem, a staff employee who receives treatment for chemical dependency may be required, as a condition of continued employment, to participate in some type of rehabilitation program.

EASE can be reached 24 hours a day, seven days a week by calling (216) 241-3273 or (800) 521- EASE (3273).

### **FEDERAL AND STATE PENALTIES**

Ohio law includes criminal provisions regarding the unlawful possession, use and distribution of drugs, intoxicating liquors and beer. The ordinances of the City of Cleveland and the City of Cleveland Heights include comparable provisions. Ohio law also prohibits: the illegal sale, possession, cultivation, manufacture or trafficking of controlled substances, including but not limited to, cocaine, heroin, amphetamines, methamphetamine of any type or in any form, marijuana, Gamma-hydroxybutyrate (GHB), and Methylenedioxymethamphetamine (MDMA, Ecstasy); furnishing to, administering to, inducing or causing use of these substances by a juvenile at least two years younger than the offender, or causing the juvenile to commit a drug abuse offense when the offender knows the juvenile's age or is reckless in that regard; administering these substances to any person by force, threat or deception; administering or furnishing these substances by any means with the intent to cause serious harm or if serious harm results, or to cause the other person to become drug dependent; selling or trafficking controlled substances; or illegally assembling or possessing chemicals with the intent to manufacture a controlled substance. In addition, Ohio law prohibits a person from knowingly providing money or other items of value to another person who then uses such money or items to obtain a controlled substance for the purpose of selling, manufacturing or cultivating such a controlled substance. If the drug involved in the violation is methamphetamine in any form, and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, such offense is a felony of the first degree, which carries a mandatory prison sentence. It is also unlawful to knowingly distribute illegal anabolic steroids. With few exceptions, these offenses are felonies. The law also prohibits knowingly obtaining, possessing or using a controlled substance and permitting one's premises or vehicle to be used in the commission of a felony drug abuse offense. These offenses may be either felonies or misdemeanors. The law further prohibits knowingly obtaining, possessing or using hypodermic needles for the unlawful administration of drugs, and the knowing use, possession with the purpose to use, and/or the sale of drug paraphernalia. Ohio law also prohibits the advertisement of illegal drug paraphernalia. These offenses are misdemeanors.

Under Ohio law, a felony conviction may lead to imprisonment or both imprisonment, a fine or both. The maximum prison term for these types of offenses is 10 years. The fine for a first degree felony in Ohio is a basic fine of not more than \$20,000. A misdemeanor conviction may lead to imprisonment for up to 6 months and/or a fine of up to \$1,000. Convictions for some offenses carry mandatory penalties, including the suspension of a driver's or commercial driver's license for a period ranging from 6 months to 5 years. Ohio law also requires that property derived from (directly or indirectly) the proceeds of a felony drug abuse offense and property that was used or intended to be used to facilitate the commission of a felony drug abuse offense is subject to forfeiture.

With regard to beer and intoxicating liquor, Ohio law provides that a person under 21 years of age who orders, pays for, attempts to purchase, possesses or consumes beer or liquor, or furnishes false information in order to effect a purchase, commits a misdemeanor. A person using a false or altered identification card to purchase beer or intoxicating liquors shall be fined not less than \$250 but not more than \$1,000 for a first offense and may be sentenced to a term of imprisonment of not more than 6 months. For a second offense involving the use of a false or altered identification card, the penalties include: a fine of not less than \$500 and not more than \$1,000, a sentence to a term of imprisonment for not more than 6 months, and the possibility of losing a driver's or commercial driver's license for a period not to exceed one year. For a third offense, the penalties include: a fine of not less than \$500 and not more than \$1,000, a sentence to a term of imprisonment for not more than 6 months, community service, and the loss of license for at least 90 days and can remain in effect until the offender attains age 21. If a person is convicted of the manufacture, sale, or distribution of false identification cards, then that person is guilty of a felony. Ohio law prohibits the possession of beer or liquor that was not lawfully purchased.

Federal law forbids the illegal possession of controlled substances. A person convicted for the first time of possessing (without the intent to distribute) a controlled substance, other than crack cocaine, may be sentenced to up to 1 year in prison and fined a minimum of \$1,000. A second conviction carries a prison

term of at least 15 days but not more than 2 years, and a minimum fine of \$2,500. A third conviction carries a prison term of at least 90 days but not more than 3 years, and a minimum fine of \$5,000. Imprisonment for 5 to 20 years and a minimum fine of \$1,000 apply to persons possessing more than five grams of crack cocaine on the first conviction, three grams on the second, and one gram on subsequent convictions. In addition to the above sanctions, a person convicted of possessing a controlled substance may be punished by forfeiture of property used to possess or facilitate possession or property derived from any proceeds obtained directly or indirectly from the violation, if the offense is punishable by more than one year in prison; forfeiture of any conveyance used to transport or conceal a controlled substance; denial of Federal benefits, such as student loans, for up to one year for a first Federal or State possession conviction and for up to five years for a subsequent Federal or State possession conviction; ineligibility to receive or purchase a firearm; and a civil penalty of up to \$10,000.

Federal law also prohibits illegal trafficking or manufacturing of a controlled substance. If a person violates this section, he is subject to the specified imprisonment, fine or both. Federal trafficking penalties are set forth in the attached chart, marked Appendix B. The penalties set forth in the attached chart can, under certain circumstances, be enhanced by a multiple of two or three if such offenses are committed at or near a public or private school, college or university, or if the drugs were sold to persons under the age of 21. A trafficking offense committed after a person has been convicted of two previous felony drug offenses results in mandatory life imprisonment. In addition, if convicted of a drug trafficking offense, a person will lose Federal benefits (including school loans) for up to 5 years for a first offense, up to 10 years for a second offense, and for life for a third or subsequent offense. Federal law also prohibits the sale of drug paraphernalia. The penalty for violating this law is imprisonment for up to 3 years and a fine.

Violation of these laws may also be a violation of University policies and could result in civil liability.

This information is provided as a general summary of the major applicable laws. While it is believed to be accurate at the time of issuance, keep in mind that laws frequently are amended and reinterpreted, that the application of law to specific situations generally requires an analysis of all the facts and circumstances, and that this information therefore should not be substituted for specific legal advice.

**APPENDIX A**

**CONTROLLED SUBSTANCES -- USES AND EFFECTS**

<b>Drugs</b>	<b>Physical Dependence</b>	<b>Psychological Dependence</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Syndrome</b>
<b>NARCOTICS</b>					
Heroin	High	High	<ul style="list-style-type: none"> <li>• Euphoria</li> <li>• Drowsiness</li> <li>• Respiratory depression</li> <li>• Constricted pupils</li> <li>• Nausea</li> </ul>	<ul style="list-style-type: none"> <li>• Slow and shallow breathing</li> <li>• Clammy skin</li> <li>• Convulsions</li> <li>• Coma</li> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Yawning</li> <li>• Loss of appetite</li> <li>• Irritability</li> <li>• Tremors</li> <li>• Panic</li> <li>• Cramps</li> <li>• Nausea</li> <li>• Runny nose</li> <li>• Chills and sweating</li> <li>• Watery eyes</li> </ul>
Morphine	High	High			
Codeine	Moderate	Moderate			
Hydrocodone	High	High			
Hydromorphone	High	High			
Oxycodone	High	High			
Methadone and LAAM	High	High			
Fentanyl and Analogs	High	High			
Other Narcotics	High-Low	High-Low			
<b>DEPRESSANTS</b>					
Chloral Hydrate	Moderate	Moderate	<ul style="list-style-type: none"> <li>• Slurred speech</li> <li>• Disorientation</li> <li>• Drunken behavior without odor of alcohol</li> </ul>	<ul style="list-style-type: none"> <li>• Shallow respiration</li> <li>• Clammy skin</li> <li>• Dilated pupils</li> <li>• Weak and rapid pulse</li> <li>• Coma</li> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Anxiety</li> <li>• Insomnia</li> <li>• Tremors</li> <li>• Delirium</li> <li>• Convulsions</li> <li>• Possible death</li> </ul>
Barbituates	High-Moderate	High-Moderate			
Benzodiazepines	Low	Low			
Glutethimide	High	Moderate			
Other Depressants	Moderate	Moderate			
<b>STIMULANTS</b>					
Cocaine	Possible	High	<ul style="list-style-type: none"> <li>• Increased alertness</li> <li>• Euphoria</li> <li>• Increased pulse rate and blood pressure</li> <li>• Excitation</li> <li>• Insomnia</li> <li>• Loss of appetite</li> </ul>	<ul style="list-style-type: none"> <li>• Agitation</li> <li>• Increased body temperature</li> <li>• Hallucinations</li> <li>• Convulsions</li> <li>• Possible death</li> </ul>	<ul style="list-style-type: none"> <li>• Apathy</li> <li>• Long periods of sleep</li> <li>• Irritability</li> <li>• Depression</li> <li>• Disorientation</li> </ul>
Amphetamine/ Methamphetamine	Possible	High			
Methylphenidate	Possible	High			
Other Stimulants	Possible	High			
<b>CANNABIS</b>					
Marijuana	Unknown	Moderate	<ul style="list-style-type: none"> <li>• Euphoria</li> <li>• Relaxed inhibitions</li> <li>• Increased appetite</li> <li>• Disorientation</li> </ul>	<ul style="list-style-type: none"> <li>• Fatigue</li> <li>• Paranoia</li> <li>• Possible psychosis</li> </ul>	<ul style="list-style-type: none"> <li>• Occasional reports of insomnia</li> <li>• Hyperactivity</li> <li>• Decreased appetite</li> </ul>
Tetrahydrocannabinol	Unknown	Moderate			
Hashish and Hashish Oil	Unknown	Moderate			

**APPENDIX A (CONTINUED)**

<b>HALLUCINOGENS</b>						
LSD	None	Unknown	<ul style="list-style-type: none"> <li>• Illusions and hallucinations</li> <li>• Altered perception of time and distance</li> </ul>	<ul style="list-style-type: none"> <li>• Longer, more intense "trip"</li> <li>• Psychosis</li> <li>• Possible death</li> </ul>	Unknown	
Mescaline and Peyote	None	Unknown				
Amphetamine Variants	Unknown	Unknown				
Phencyclidines and Analogs	Unknown	High				
Other Hallucinogens	None	Unknown				
<b>ANABOLIC STERIODS</b>						
Testosterone (Cypionate, Enanthate)	Unknown	Unknown	<ul style="list-style-type: none"> <li>• Virilization</li> <li>• Acne</li> <li>• Testicular atrophy</li> <li>• Gynecomastia</li> <li>• Aggressive behavior</li> <li>• Edema</li> </ul>	Unknown	<ul style="list-style-type: none"> <li>• Possible depression</li> </ul>	
Nandrolone (Decanoate, Phenpropionate)	Unknown	Unknown				
Oxymethalone	Unknown	Unknown				

**APPENDIX B**

<b>FEDERAL TRAFFICKING PENALTIES</b>							
<b>Controlled Substances Act Schedule</b>	<b>Drug</b>	<b>Quantity</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Quantity</b>	<b>1st Offense</b>	<b>2nd Offense</b>
I and II	Methamphetamine	5-49gm pure or 50-499 gm mixture	<ul style="list-style-type: none"> <li>• Not less than 5 years. Not more than 40 years</li> <li>• If death or serious injury, not less than 20 years or more than life</li> <li>• Fine of not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years. Not more than life</li> <li>• If death or serious injury, not less than life</li> <li>• Fine of not more than \$4 million individual, \$10 million other than individual</li> </ul>	50 gm or more pure or 500 gm or more mixture	<ul style="list-style-type: none"> <li>• Not less than 10 years. Not more than life</li> <li>• If death or serious injury, not less than 20 years or more than life</li> <li>• Fine of not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years. Not more than life</li> <li>• If death or serious injury, not less than life</li> <li>• Fine of not more than \$8 million individual, \$20 million other than individual</li> <li>• 2 or more offenses: life</li> </ul>
	Heroin	100-999 gm mixture			1 kg or more mixture		
	Cocaine	500-4,999 gm mixture			5 kg or more mixture		
	Cocaine Base	28-278 gm mixture			279 gm or more mixture		
	PCP	10-99 gm pure or 100-999 gm mixture			100 gm or more pure or 1 kg or more mixture		
	LSD	1-9 gm mixture			10 gm or more mixture		
	Fentanyl	40-399 gm mixture			400 gm or more mixture		
	Fentanyl Analogue	10-99 gm mixture			100 gm or more mixture		

**APPENDIX B (CONTINUED)**

<b>FEDERAL TRAFFICKING PENALTIES</b>				
<b>Substances Act Schedule</b>	<b>Drug</b>	<b>Quantity</b>	<b>1st Offense</b>	<b>2nd Offense</b>
I and II	Other Schedule I and II drugs not listed in Appendix A (law does not include marijuana, hashish, or hash oil)	Any	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, life</li> <li>• Fine \$2 million individual, \$10 million not individual</li> </ul>
III	All (included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol®, and some barbiturates)	Any	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
IV	Flunitrazepam	30-999 mg	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
IV	Flunitrazepam	1 gm or more	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, life</li> <li>• Fine \$2 million individual, \$10 million not individual</li> </ul>
IV	All other Schedule IV drugs (included in Schedule IV are Darvon®, Talwin®, Equanil®, Valium®, and Xanax®)	Any	<ul style="list-style-type: none"> <li>• Not more than 3 years</li> <li>• Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 6 years</li> <li>• Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
V	All (over-the-counter cough medicines with codeine are classified in Schedule V)	Any	<ul style="list-style-type: none"> <li>• Not more than 1 year</li> <li>• Fine not more than \$100,000 individual, \$250,000 not individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 2 years</li> <li>• Fine not more than \$200,000 individual, \$500,000 not individual</li> </ul>

**APPENDIX B (CONTINUED)**

<b>FEDERAL TRAFFICKING PENALTIES - MARIJUANA</b>			
<b>Description</b>	<b>Quantity</b>	<b>1st Offense</b>	<b>2nd Offense</b>
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million individual, \$20 million other than individual</li> </ul>
	100 kg-999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>
	More than 10 kgs hashish; 50-99 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine \$1 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine of \$2 million individual, \$10 million other than individual</li> </ul>
	More than 1 kg of hashish oil; 50-99 plants		
		1-49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000 individual, \$1 million other than individual</li> </ul>
Hashish	10 kg or more		
Hashish Oil	1 kg or more		