

UC SANTA BARBARA POLICY AND PROCEDURE

Substance Abuse

Contact Offices: Academic Personnel, Human Resources, Office of Student Life, and
Student Health Services

Revised: August 2004; Technical Revision: September 2017

Supersedes: Substance Abuse Policy 5865, February 4, 1991

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The university provides confidential programs and services for academic and staff employees and students who have become dependent on or are abusing alcohol, other legal substances or illegal substances. The *illegal* use, possession, or distribution of alcohol or illegal substances in the workplace, on University premises, at official university functions, or on university business is prohibited.

SUBSTANCE ABUSE POLICY AND IMPLEMENTING GUIDELINES

I. PURPOSE AND SCOPE

The Substance Abuse Policy and Implementing Guidelines were developed to meet the requirements of the Drug-Free Schools and Communities Act and the Drug Free Workplace Act. They apply to all academic and staff employees and students.

II. DEFINITIONS

The term "substances" includes both legal and illegal substances:

Legal substances are:

- Alcoholic beverages,
- Controlled substances as listed in the Federal Controlled Substances Act that are prescribed or administered by a licensed physician or health-care professional or are purchased and used for approved scientific research,
- Over-the-counter drugs and products, and
- Tobacco products.

Illegal substances are:

- Controlled substances listed in the Federal Controlled Substances Act that are not prescribed or administered by a licensed physician or health-care professional or are not purchased and used for approved scientific research.

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III. POLICY

To promote an environment of academic excellence and to comply with the requirements of the Drug-Free Schools and Communities Act and the Drug Free Workplace Act, academic and staff employees and students:

- Shall not use illegal substances and shall not abuse legal substances in a manner that impairs scholarly activities, job performance, or student life.
- Shall not use illegal or legal substances in a manner that violates applicable criminal or civil laws in the workplace, on university premises, at university activities, or while conducting university business.
- Are prohibited from the **unlawful** manufacture, distribution, dispensation, possession or use of alcohol and/or a controlled substance in the workplace, on university premises, at university activities, or while conducting university business.
- Academic and staff employees and students involved in work on or for a federal grant or contract are required, as a condition of employment on the grant or contract, to notify the university within five (5) calendar days if they are convicted of any criminal drug statute violation for activity occurring at the workplace, at the location of any grant/contract activity, or while on university business.

IV. HEALTH RISKS

Substance abuse may result in serious health problems, or even sudden death, which in the case of some drugs (e.g., cocaine) can occur after first-time use.

Common health risks associated with alcohol use:

- Coordination and reasoning can be impaired by one drink. Drinking more than two average servings of alcohol in several hours impairs coordination and reasoning.
- Driving with impaired coordination and reasoning can result in accidental injuries and or death for you, your friends, or someone else.
- Walking alone or partying with impaired coordination and reasoning makes you more vulnerable to assaults, traffic, and environmental hazards such as stairs, cliffs, or uneven surfaces.
- Consumption of alcohol by a pregnant woman can damage the unborn child. A pregnant woman should consult her physician about this risk.
- Regular and heavy alcohol consumption can damage the liver and the nervous and circulatory systems.
- Drinking large amounts of alcohol in a short time may quickly cause blackouts, unconsciousness, coma, and even death.

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Common health risks associated with controlled substances:

- The use of drugs not prescribed by a physician or the abuse of prescriptions can cause the following conditions:
- Impaired short-term memory or comprehension.
- Anxiety, delusions, and hallucinations.
- Loss of appetite resulting in damage to one's long-term health.
- A drug-dependent newborn, or birth defects if the mother uses drugs during pregnancy.
- AIDS, if you share needles with someone with the disease.
- Death from overdose.

The following is a partial list of other potential health risks associated with substance abuse:

- Acute problems
 - Heart attack
 - Stroke
- Long-lasting effects
 - Disruption of normal heart rhythm
 - High blood pressure
 - Destruction of brain cells
 - Permanent memory loss
 - Infertility and impotency
 - Immune system impairment
 - Kidney failure
 - Cirrhosis of the liver
 - Pulmonary damage
- Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

For more information on health risks, students may contact the UCSB Alcohol and Drug Program in Student Health Services; and, academic and staff employees may contact the Academic and Staff Assistance Program in Human Resources.

V. EARLY IDENTIFICATION OF SUBSTANCE ABUSE, REFERRAL AND COUNSELING AND PSYCHOLOGICAL SERVICES

Academic and staff employees, and students are encouraged to voluntarily seek assistance for substance abuse or dependency problems.

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Students having difficulty with meeting their student obligations due to drug or alcohol related problems may seek assistance from the Office of Student Life. **Staff employees** may use approved vacation or sick leave, or may request leaves of absence to seek assistance for drug and alcohol related problems. **Academic employees** may be granted time to seek assistance for drug and alcohol related problems, consistent with their academic appointments and concomitant academic personnel policies.

When the performance of an academic or staff employee's university responsibilities appears impaired from the use of an illegal substance or the abuse of a legal substance, including alcohol, appropriate action shall be taken. Deans, directors, chairs, and supervisors should seek assistance from Academic Personnel, Human Resources, and/or the Academic and Staff Assistance Programs (ASAP).

In addition, all academic and staff employees are encouraged to contact the Academic and Staff Assistance Program (ASAP) if they believe substance abuse or dependency is adversely affecting a colleague's behavior. For substance abuse or dependency related concerns for students, all academic and staff employees and students are encouraged to contact Student Health's Alcohol and Drug Program or Counseling and Psychological Services.

UCSB offers the following programs

- For students, counselors from Student Health's Alcohol and Drug Program and licensed psychologists from Counseling and Psychological Services offer short-term counseling and referral and serve as a resource for those seeking information on how to assist students with substance abuse or dependency problems.
- For academic and staff employees, Academic and Staff Assistance Program (ASAP) counselors help identify community treatment programs and serve as a resource for those seeking information on how to assist employees with substance abuse or dependency problems.

Information obtained during counseling sessions is confidential and will not be released without the written consent of the student or employee except as authorized or required by federal or state law.

VI. SPECIAL REQUIREMENTS FOR STUDENT, STAFF, and ACADEMIC, EMPLOYEES ON A FEDERAL GRANT/CONTRACT

If a student, staff or academic employee involved in work on a federal grant or contract is convicted of violating any criminal drug statute for activity occurring in the workplace or while on university business, the following provisions apply:

- Student or staff employees must notify their supervisor and academic employees must notify their chair, director, or dean, within five (5) calendar days of the conviction. Failure to do so may result in significant sanctions. Sanctions for student and staff employees may include corrective action, up to and including

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dismissal. Sanctions for academic employees shall be consistent with the Academic Personnel Manual and Faculty Code of Conduct.

- A chair, director, dean, or supervisor who is aware that an employee has been convicted must immediately report the conviction to the UCSB Office of Research.
- The Office of Research will in turn report the conviction to the federal agency administering the contract or grant within ten (10) calendar days of receiving notice of a conviction.
- The employing department is required by law to do one of the following within thirty (30) days of notification of the conviction:
 - Take appropriate personnel action, up to and including termination, or
 - Require the student, staff or academic employee to participate satisfactorily in a substance abuse program.

VII. UNIVERSITY SANCTIONS

Students

All students are accountable to the university discipline provisions of the [UCSB Campus Regulations Applying to Campus Activities, Organizations, and Students](#).

Individual students found to be in violation of university policies and/or campus regulations and/or department policy are subject to the following university sanctions in accordance with relevant student policies and procedures set forth by the Student Conduct Committee or designee: warning, disciplinary probation, loss of privileges and exclusion from activities, suspension, dismissal, exclusion from areas of the campus, interim suspension, restitution, or other sanctions including referral to the Alcohol and Drug Program, community service, and fines ([UCSB Campus Regulations Applying to Campus Activities, Organizations and Students, see Student Conduct](#)).

Registered Campus Organizations

Registered campus organizations found to be in violation of university policies and/or campus regulations may be restricted from use of campus services and resources to support their organizational activities.

Staff Employees

Staff found to be in violation of university and/or department policies are subject to appropriate action to be determined on a case-by-case basis, which may include referral to Human Resources, corrective action, suspension or dismissal in accordance with applicable personnel policies and procedures, UCSB Police Department intervention. In addition to or in lieu of corrective action an employee may be required to participate in an approved counseling or treatment program. Participation in a counseling or treatment program does not relieve an employee from the obligation to maintain acceptable work standards.

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Academic Employees

Academic employees found to be in violation of university and/or department policies are subject to appropriate action to be determined on a case-by-case basis in a manner that is consistent with the [Academic Personnel Manual](#) and the [Faculty Code of Conduct](#).

Visitors and Visiting Organizations

Visitors or visiting organizations found to be in violation of university policies and/or campus regulations and/or department policy are subject to sanctions appropriate under applicable law. In addition, violators may be excluded from participation in campus events and/or further use of the campus.

VIII. APPEAL OF UNIVERSITY SANCTIONS IN THIS POLICY

The point of appeal of the UCSB Substance Abuse Policy's university sanctions and the point of appeal for exceptions to the UCSB Substance Abuse Policy Implementing Guidelines is the:

- Vice Chancellor, Student Affairs for students;
- Vice Chancellor, Administrative Services for staff employees; and
- Executive Vice Chancellor for academic employees.

IX. LEGAL SANCTIONS

If criminal activity is suspected the UCSB Police Department shall be notified. Consistent with law, suspected criminal action might be prosecuted. A conviction could result in fines, loss of a driver's license, confiscation of automobiles and other property, and/or imprisonment. A conviction could also result in restrictions to practice in certain professions, and/or being barred from future employment opportunities.

For detailed legal sanctions please refer to Appendix D. However, it does not include all applicable laws; moreover, laws may change over time. Individuals are expected to be aware of current federal, state, and local laws. For more information on the state and federal laws governing controlled substances please contact the UCSB Police Department at 893-3446.

X. CAMPUS IMPLEMENTING GUIDELINES

A. Introduction

The fundamental purpose of this university community is a dedication to excellence in teaching, research, and public service. It is acknowledged that substance abuse and the resulting consequences negatively impact campus life and impair individual clarity of thinking, verbal and perceptual acuity and mental alertness.

The university affirms its support for campus programs leading to wider understanding of the use and abuse of alcohol and drugs. In terms of alcohol,

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choosing not to drink is as socially acceptable as choosing to drink. Unlawful drinking or drug use, excessive drinking, and drunkenness are not condoned. Intoxication is no excuse for misconduct or infringing on the rights of others.

The Implementing Guidelines for the Substance Abuse Policy of the University of California, Santa Barbara, are intended to serve the entire university community while taking into account the variety of roles occupied by students, staff, academic employees, and visitors. This document endeavors to provide clear, consistent, and constructive guidelines for the application of policy.

These implementing guidelines are minimum requirements. Campus units may propose unit policy that is more restrictive than these requirements. Nevertheless, units shall consult with Academic Personnel and Labor Relations in Human Resources to ensure the proposed unit policy is consistent with personnel policies and contracts. For unit policies that affect students, consultation shall include the Office of Student Life.

B. Scope

These guidelines apply to:

1. **Events** including:

University sponsored events - events, which are official university functions, held on or off campus. Such events include scheduled academic classes, research, and activities; normal daily operations of university departments; and programs or activities sponsored by university departments in the course of fulfilling their university mission.

Non-university sponsored Events - all other functions that take place on university premises.

2. **Campus Entities** including:

Campus Affiliated Organizations: organizations that occupy space on university property at the invitation of the chancellor and by agreement with The Regents.

Recognized Units: University of California, Santa Barbara organized research units and affiliated units as specified in the University of California, Santa Barbara [General Catalog](#).

Registered Campus Organizations: any group composed of University of California, Santa Barbara students, academic employees, and/or staff who register with the Office of Student Life in order to have access to university facilities and/or resources.

University Departments: campus academic and administrative units that have as their purpose instruction, research, or the provision of services by the university.

3. **Non-university Persons/Groups** including:

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Persons/groups who have no affiliation with the university: Such groups may be non-profit or commercial, private or public.

C. Disciplinary Actions for Violations of the Implementing Guidelines

1. **Individual students or student organizations** will be referred to the Office of Student Life/dean of students or designee.
2. **Staff employees** will be referred to their immediate supervisors. Supervisors may obtain assistance from Human Resources - Labor Relations, or Academic and Staff Assistance Program (ASAP) as appropriate.
3. **Academic employees** will be referred to Academic Personnel or the Academic Senate, as appropriate.
4. **Visitors** will be referred as appropriate.

D. Sale and Service of Alcohol Guidelines

(Note: The University cannot expend state funds for the purchase of alcohol.)

1. Sale of Alcohol

- a. It is a misdemeanor to sell or expose for sale any intoxicating liquor within one mile of the UCSB campus. Exceptions include bona fide eating-places licensees, off-sale licensees and club licensees (California Penal Code 172, 172e, 172f, 172h).
- b. All food service providers licensed to sell alcoholic beverages in a university facility shall have a system of server training.
- c. The price of alcoholic beverages sold on campus shall not be at a level to encourage excessive consumption (e.g., progressive drink pricing).
- d. It is unlawful to issue a license to fraternities, sororities or other student organizations to sell alcoholic beverages (California Penal Code, Section 172e).

2. Service of Alcohol

- a. All individuals, groups or organizations responsible for an event at which alcoholic beverages are served must ensure compliance with applicable laws and university policies and regulations.
- b. The consumption of beer, wine, or distilled spirits shall not be the primary purpose of any event.
- c. At all events where alcoholic beverages are served, suitable non-alcoholic beverages and food shall be made available for the duration of the event. Non-alcoholic beverages shall be of comparable quality and shall be featured as prominently as the alcoholic beverages.

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- d. No event shall include any form of "drinking contest" in its activities or promotion.
- e. No person under 21 years of age and no obviously intoxicated person shall be furnished, served, or given an alcoholic beverage (California Business and Professions Code 25602a, 26558a).
- f. At events where some attendees are under 21 years of age, designated servers shall restrict access to alcoholic beverages in order to avoid service to those under 21.
- g. A person may be a server of alcoholic beverages at 18 years of age if his or her primary duty is the service of food, with the service of alcohol being incidental. S/he may not, however, mix drinks or serve from the bar until s/he is 21 years of age or older (California Business and Professions Code, Section 25667).
- h. Servers and event assistants are prohibited from consuming any alcoholic beverages at the event.
- i. It is recommended that the consumption of alcoholic beverages be discontinued 30 minutes before the scheduled ending of the event.
- j. All campus entities that sponsor events at which alcoholic beverages are served, whether on or off campus, should review this policy and implementing guidelines prior to the event and ensure compliance.
- k. If an event is likely to draw in excess of 2,500 guests, the event sponsor must first evaluate its feasibility in consultation with affected groups and departments and receive approval from the Major Events Committee.

E. Advertising, Marketing and Sponsorship Guidelines

1. Definitions

For the purposes of this section, the following definitions will be used:

- a. **Advertising** - any print or electronic media (e.g., brochures, flyers, banners, radio, newspaper, etc.) that promotes a product, service or event.
- b. **Beverage alcohol manufacturer or distributor** - any company or individual whose principal business is the manufacture, distribution, or retailing of alcoholic beverages.
- c. **Sponsor/Support/Contribution/Donation** - any contribution given to a campus entity or event sponsor including but not limited to money, printing, products or staff support.

2. General

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- a. Promotion of alcoholic beverages shall not encourage any form of alcohol abuse nor shall it place emphasis on quantity and frequency of use.
- b. When beverage alcohol manufacturers or distributors support campus programs or events, they should encourage informed and responsible decisions about the use of products they represent.
- c. Beverage alcohol manufacturers and distributors are encouraged to promote the use of non-alcoholic beverages as an alternative to promoting alcoholic beverages.

3. Advertising University-Sponsored Events

- a. Alcoholic beverage advertising, including that which promotes events as well as products, shall not portray drinking as a way to cope with personal or academic problems of students, staff, and academic employees or as an enhancement to social, sexual, or academic success. See section XE4.
- b. Event advertising shall not associate alcoholic beverage consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.
- c. Alcoholic beverages shall not be used as an inducement to participate in an event. Advertisements for any event where alcoholic beverages are served shall mention the availability of non-alcoholic beverages as prominently as alcohol.
- d. Advertising for any event shall not make reference to the amount of alcoholic beverages (such as the number of beer kegs) available.
- e. If used, the alcoholic beverage trademark, logo, company name, or symbols/pictures implying the presence of alcoholic beverages at an event must be subordinate to the message concerning the event itself (not to exceed 25% of the total space in the advertisement poster or imprinted item).

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- f. To post advertising for University-sponsored events, see [UCSB Campus Regulations for Campus Activities, Organizations, and Students \(see Campus Activities, Posting Regulations\)](#).
- g. Advertising that isn't associated with University-sponsored events is governed by other policies, including [Use of the University's Name](#) and [Acknowledgment and Advertising on University Electronic Resources](#). Contact the [campus policy coordinator](#) for more information.

4. Marketing and Sponsorship

Support of events by beverage alcohol manufacturers and distributors is only permitted within these guidelines:

- a. The name of an alcoholic beverage, manufacturer or distributor shall be listed as simply a sponsor of the event itself. (See examples below.)

Preferred Acknowledgement	Allowed Acknowledgement	Precluded Acknowledgement
UCSB Concert Series, sponsored by Non-Alcoholic Beer Product	UCSB Concert Series, sponsored by XYZ Beer	UCSB XYZ Beer Concert
The UCSB Concert Series, brought to you by Non-Alcoholic Beer Product	The UCSB Concert Series, brought to you by XYZ Beer	Presenting: The XYZ Beer Concert
Non-Alcoholic Beer Product brings you the UCSB	XYZ Beer brings you the UCSB Concert Series	

- b. The name of an alcoholic beverage, manufacturer, or distributor shall not be prominently displayed on a product, structure, or piece of equipment donated to the campus entity (subject to approval by chancellor or Chancellor's designee and not to exceed 25% of total space).
- c. Alcoholic beverages shall not be provided as free incentives to individual students or campus entities. Where controlled sampling is allowed by law and campus policies, it should be limited as to time and quantity.
- d. Campus entities that accept support from beverage alcohol manufacturers or distributors shall not distribute promotional clothing, specialty items, or other consumer items that utilize the university name, seal, or mascot in combination with an alcoholic beverage name, trademark, logo, or company name, or that imply university endorsement of their products or companies in any way, regardless of whether such promotional items are free or for sale. (See examples that follow.)

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<u>Preferred Acknowledgement</u>	<u>Allowed Acknowledgement</u>	<u>Precluded Acknowledgement</u>
Non-Alcoholic Beer Product Loves Tennis	XYZ Beer Loves Tennis	XYZ Beer Loves UCSB Tennis
IFC Tournament- Non-Alcoholic Beer Product	IFC Tournament - XYZ Beer	UCSB IFC Tournament - XYZ Beer
ABC Corporation Tennis Tournament - Non-Alcoholic Beer Product	ABC Corporation Tennis Tournament - XYZ Beer	Gauchos Drink XYZ Beer

F. Additional Information

Office of Student Life
Student Resources Building, 2nd Floor
(805) 893-4569

Labor and Employee Relations
Human Resources
3101 Student Affairs/Administrative Services Building
(805) 893-4119

Academic Personnel
4105 Cheadle Hall
(805) 893-2010

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XI. REFERENCES

- A. [Academic Personnel Manual and Red Binder, Santa Barbara Campus](#)
- B. [Business and Finance Bulletin BUS- 50, Materiel Management Acquisition and Use of Narcotics & Dangerous Drugs and Implementing Guidelines](#)
- C. [University of California Policy on Substance Abuse and Implementing Guidelines](#)
- D. [University of California Policies Applying to Campus Activities, Organizations, and Students](#)
- E. [UCSB Campus Regulations Applying to Campus Activities, Organizations, and Students](#)
- F. [UC Guidance on Use and Possession of Marijuana on UC Property](#)

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Appendix A – August 2004**

CAMPUS RESOURCES

I. Services and Intervention Training for Students

Alcohol and Drug Program
Student Health Service - Health Education Department
Information - 893-2630
Counseling Appointments - 893-3371

Social Worker
Student Health Service
Information and Appointments - 893-3380

Counseling and Psychological Services
Information and Counseling Appointments - 893-4411
Stress Peers Drop-In Hours - 893-4411

II. Services and Intervention Training for Staff and Academic Employees

Academic and Staff Assistance Program (ASAP)
Human Resources
3101 Student Affairs/Administrative Services Building (SAASB)
893-3318

Academic Personnel
4105 Cheadle Hall
893-2010

III. Student-Directed Education, Awareness, and Alternative Activities

Peer Health Education

S.T.A.R. (Students Teaching Alcohol/Drug Responsibility)
Student Health Service- Health Education Department
893-2630

Alternative Activities:

Office of Residential Life
893-3281

Office of Student Life
893-7884

Internship Opportunities:

Alcohol and Drug Program
Student Health Service - Health Education Department
893-2630

Office of Student Life
893-4569

Office of Residential Life, Student Leadership Coordinator
893-2391

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UCSB DEPARTMENT POLICIES

Various campus departments and units have developed more specific policies designed to augment the policy and implementing guidelines. Department policy may be more restrictive than the UCSB Substance Abuse Policy, but not less restrictive. Departments must ensure that over time their policies remain consistent with the UC and UCSB Substance Abuse Policy and Implementing Guidelines and applicable personnel policies and contracts.

Departments and programs that have developed policies include (but are not limited to):

Fraternity and Sorority System at UCSB - The InterGreek Council (IGC) has established a risk management policy to enhance the safety of members in the fraternity and sorority community at UCSB. Any violations of the risk management policy shall be justification for sanctions being imposed by one or more of the following: Greek Conduct Board, Office of Greek Affairs, Office of Student Life/dean of students, UCSB Police Department and/or a judicial board established by Panhellenic, Inter-Fraternity, National Pan-Hellenic, or Local/Regional Councils.

Housing and Residential Services - Each resident is expected to uphold the alcohol and illegal drug policies designed to safeguard the campus living environment as stated in each housing contract. In addition, each resident receives a copy of a housing handbook (Residence Hall, Single Student, Family) detailing all policies, rules and regulations for university housing. Violators of these policies, rules or regulations are subject to disciplinary action by Housing and Residential Services, and/or the Office of Student Life/dean of students. As appropriate, the UCSB Police Department shall be notified of suspected criminal actions. Suspected criminal actions may be prosecuted.

Intramural Sports - The use, sale, or distribution of alcoholic beverages before, during, or after intramural/open recreation activities is strictly prohibited and will be sanctioned by the coordinator of Intramural Sports/director of Recreational Sports. Students, academic employees, and staff found in violation of this program policy are subject to their respective disciplinary processes. Penalties for students may include, but are not limited to, probation, exclusion from program participation, and/or referral to the Office of Student Life/dean of students. Sanctions for staff may include a letter of concern or warning, disciplinary action, and or referral to a counseling program. As appropriate, the UCSB Police Department shall be notified of suspected criminal actions. Suspected criminal actions may be prosecuted.

Sport Clubs - The use, sale, or distribution of alcoholic beverages before, during, or after sport club activities is strictly prohibited and will be sanctioned by the coordinator of Sport Clubs/director of Recreational Sports. Students found in violation of this program policy are subject to corrective action. Penalties may include, but are not limited to, fines, loss of funding, revocation of competition privileges, termination of the team function, and/or referral to the Office of Student Life/dean of students or to the UCSB Police Department as appropriate.

A SAMPLE OF APPLICABLE LAWS AND ORDINANCES

All applicable laws may not appear here; moreover, **laws may change over time. Individuals are expected to be aware of current applicable laws.** For more information on the state and federal laws governing controlled substances, please contact the UCSB Police Department at 893-3446.

Laws and Ordinances Governing Controlled Substances

- Manufacture, possession, possession for sale, sale, or distribution of Controlled Substances in California, and penalties relating thereto, are governed by the [Uniform Controlled Substances Act](#).
- A convicted party can be excluded from all federal and/or state monetary benefits.
- A convicted party, if not a U.S. citizen can be deported and prevented from re-entry into the United States.
- A convicted party may have to give up, as part of a penalty, all personal property traceable to (or gained as a result of) the crime.

Policy, Laws, Ordinances Governing Marijuana

- The University of California prohibits the use, possession and sale of marijuana in any form on all university property, including university-owned and leased buildings, housing and parking lots. For more information, please see [UC guidance on use and possession of marijuana on UC property](#)
- Cultivation, possession for sale, or sale of marijuana is governed by [California Health and Safety Code sections 11357 – 11362.9](#).
- Possession of marijuana in a vehicle is governed by [Vehicle Code section 23222\(b\)](#).
- Possession of marijuana paraphernalia is an infraction and is governed by [Santa Barbara County Ordinance section 13A-3](#).

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Laws and Ordinances Governing Alcohol

- Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines, county prison sentence, and/or driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).
- Drivers under 21 with a BAC of .01 or higher can have their vehicles towed and driver's license suspended, and be sentenced to not less than 96 hours in jail nor more than six months, and completion of an alcohol program and three years probation (California Vehicle Code sections 23136 and 23140).
- Bicycling under the influence (.08 BAC or higher) can result in jail sentencing and a fine. Impaired cyclists, under the age of 21, face the risk of losing their license for one year (California Vehicle Code section 21200.5).
- Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises (e.g., bar or licensed club or restaurant) is guilty of a misdemeanor (California Business and Professions Code section 25658(a)).
- Selling alcohol without a license is a misdemeanor (California Business and Professions Code section 23301).
- Possession of alcohol by anyone under 21 on a street, highway, or place open to public view can result in a citation, mandatory court appearance, driver's license suspension, fines, and/or proof of completion of community service (California Business and Professions Code section 25662).
- Attempting to purchase alcohol using false identification can result in jail time and a minimum fine of \$250 or community service (California Business and Professions Code section 25661).
- Public intoxication is a misdemeanor offense and can result in jail time and a fine (California Penal Code section 647(f)).
- Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California Business and Professions Code section 25658).
- Possession of an open container of alcohol in public places including public streets, sidewalks, highways, parking lots or alleys, and certain county beaches, can result in a fine, and \$125 payment to the Victim's Relief Fund for a first conviction (Santa Barbara County Ordinance Chapter 36.)

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**Federal Penalties and Sanctions for Illegal Trafficking
and Possession of a Controlled Substance**

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

*The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

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**Federal Penalties and Sanctions for Illegal Trafficking
and Possession of a Controlled Substance**

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

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**Federal Penalties and Sanctions for Illegal Trafficking
and Possession of a Controlled Substance**

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

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**Federal Penalties and Sanctions for Illegal Trafficking
and Possession of a Controlled Substance**

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

Note: These are only Federal penalties and sanctions.

Additional State penalties and sanctions may apply.

21 U.S.C. 844(a): 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881(a)(4): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a: Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a: Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g): Ineligible to receive or purchase a firearm.

Miscellaneous: Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.