



## **ANA G MENDEZ UNIVERSITY STUDENT CONSUMER INFORMATION Learning Environment Free of Drugs, Alcohol, and Tobacco Policy**

### **Purpose**

Ana G Mendez University (“AGMU” or the “University”) is committed to creating an environment conducive to effective teaching and learning and one that promotes a safe, healthy, and comfortable environment for its students, visitors, and employees. The abuse of alcohol or controlled substances poses a direct and significant threat to this goal. This policy (hereafter “Policy”) establishes rules and procedures related to the prohibition of alcohol, controlled substances, and tobacco in accordance with state and federal laws and regulations.

### **Jurisdiction**

This Policy applies to all students, regardless of enrollment status, registered for or attending AGMU courses on campus or online. Student groups and organizations may be held collectively responsible when violations of the Student Code of Conduct by those associated with the group or organization have received consent or encouragement of the group or organization or of the groups or organization’s leaders or officers.

### **Alcohol and Controlled Substances**

It is prohibited for AGMU students to unlawfully use, consume, buy, sell, distribute, manufacture, possess and/or be under the influence of alcohol or any controlled substance on AGMU’s campus, on property owned or controlled by AGMU, or as part of any AGMU activity. . Any student who engages in this behavior will violate this Policy.

Students under the influence of over the counter or legally prescribed medication may continue to attend class or come to work, as long as they do not pose a threat to their own safety or the safety of others, or their performance is not adversely affected. Whether and to what extent performance is adversely affected will be determined by AGMU, in its sole discretion. A student with a medical condition who requires accommodation, including accommodation due to the effects of prescription medication, should request accommodation pursuant to AGMU’s ADA Accommodation guidelines.

The possession of drug paraphernalia on AGMU’s campus, on property owned or controlled by AGMU, or as part of any AGMU activity is also prohibited under this Policy.

### **Student Responsibilities:**

Students are encouraged to immediately notify University officials of any incident, situation, event, or conduct they witness or know of, demonstrating or indicating that any person violates the alcohol and controlled substances policy. This notification should be made when there is reasonable suspicion to believe that a

student uses, consumes, manufactures, sells, distributes, possesses, promotes the use (of), and/or is under the influence of alcohol or controlled substances.

#### Violations of Local, State and Federal Law and/or this Policy:

Students must comply with the alcohol and controlled substances policy as a condition of their enrollment. A student may be accountable to both law enforcement authorities and to the University for acts which constitute violations of law and the AGMU Student Code of Conduct. Student conduct allegedly constituting a felony or misdemeanor offense may be referred to appropriate law enforcement agencies. University disciplinary proceedings cannot be subject to challenge on the grounds that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced or otherwise resolved or that such proceedings constitute double jeopardy.

#### **Tobacco Free and Smoke-Free Environment**

AGMU is committed to promoting a safe, healthy, and comfortable environment for its students, visitors, and employees. Therefore, Tobacco Products on AGMU's campus or property owned or controlled by AGMU is prohibited. All students are required to adhere to this policy. "Tobacco Products" includes all forms of tobacco, including but not limited to cigarettes, cigarillos, cigars, shisha, pipes, herbal cigarettes, water pipes, electronic cigarettes (vaporizers, or any other device intended to simulate smoked tobacco), electronic hookahs, any other forms of loose leaf and all forms of smokeless tobacco, including but not limited to chew, orbs, snuff, sticks and strips and all future nicotine devices and products. The scope of this prohibition does not apply to any non-smoking products intended for use in smoking cessation programs, such as dermal patches. Additionally, the tobacco free and smoke-free environment policy does not apply to off-campus facilities used by the University for college events or functions. On those occasions, the tobacco policy of the facility shall be applicable.

Students are responsible for complying with the tobacco free and smoke-free environment policy. The responsibility for the enforcement and communication of this policy rests with all members of the University community. Visitors, contractors and other individuals on university property who are in violation of this policy should be reminded of the policy and asked to comply by immediately ceasing smoking, (or otherwise using tobacco) and discarding the tobacco. If the individual refuses to comply, they may be asked or required to leave the University property. All staff, faculty, and students in violation of the tobacco free and smoke-free environment policy should be reminded of the policy and asked to comply.

#### **University Sanctions**

A student found in violation of this Policy shall be subject to one or more of the following sanctions:

1. Written Warning
2. Restrictions or Loss of Privileges
3. Disciplinary Probation
4. Community or Educational Service
5. Restitution
6. Disciplinary Suspension
7. Disciplinary Interim Suspension
8. Expulsion
9. Behavioral Requirement(s)

Descriptions of all University sanctions are detailed in the AGMU Student Code of Conduct.

#### **Disclosures**

Pursuant to federal regulation, AGMU will annually distribute in writing to each student standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as part of any of the institution's activities; that will include:

1. Description of applicable legal sanctions under state, local, and federal law;
2. Description of health risks;
3. Description of available counseling, treatment, rehabilitation, or re-entry programs; and
4. A clear statement that institution will impose sanctions for violation of standards of conduct and a description of the sanctions.

### **Biennial Review**

A biennial review of this Policy will be conducted to ensure their effectiveness, consistent enforcement, and to implement any necessary changes. A copy of this report may be found in [LOCATION/WEBSITE].

### **Associated Laws & Regulations**

1. Drug-Free Workplace Act of 1988
2. Drug-Free Schools and Campuses Regulations of 1989
3. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
4. Higher Education Opportunity Act HEOA Sec. 107 amended HEA Sec. 120 (20 U.S.C. 1011i); HEA Sec. 120(a)(2)(B)-(C). HEOA amendment effective August 14, 2008 34 CFR 86