

**UNIVERSIDAD ANA G. MÉNDEZ**  
Vice President of Marketing and Student Affairs

## **POLICY FOR A DRUG, ALCOHOL AND TOBACCO-FREE COMMUNITY AND STUDY ENVIRONMENT**

**Policy Number:** 03-2022 **Effective** \_\_\_ **Date:** March 9, 2022

New  
 Amendment of rules and provisions established in the Human Resources Manual  
 Amendment Executive Order No. \_\_\_\_\_ dated \_\_\_\_\_  
 Political Amendment No. RH14-213-001 date August 1, 2014

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### **I. SCOPE**

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The **Policy for a Drug, Alcohol and Tobacco-Free Community and Study Environment** (hereinafter referred to as "Politics") has been established by Ana University. G. Méndez (hereinafter, "UAGM" or the "Institution"). Therefore, it concerns its academic and student components, as well as all its campuses, facilities and affiliated entities, including, without limitation: the Universidad Ana G. Méndez Carolina Campus, the Universidad Ana G. Méndez Cupey Campus, the Universidad Ana G. Méndez Gurabo Campus and Additional Locations.

It follows that this document will apply to all students who have been admitted and have enrolled in each semester or session at the UAGM.

The UAGM recognizes that the use and abuse of alcohol and controlled substances, as well as their dependence, limit the ability to perform effectively, increase absenteeism, cause deficiencies in performance, increase the number of accidents and affect social and moral harmony. Moreover, the influence, processing, use, possession, sale or distribution of controlled substances are considered crimes under the laws of Puerto Rico and the Continental United States.

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## II. PURPOSE

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This policy promotes an environment of study free of the use, influence, processing, sale, possession and/or distribution of controlled substances – or the improper or abusive use of controlled substances or alcohol on UAGM premises, counted from their property limits. This has been provided by the Institution to:

- a. Provide a healthy study environment,
- b. Protect students, teachers, employees and the general public,
- c. Protect property and,
- d. Comply with applicable laws and regulations, including, without limitation:
  1. “Drug Free Workplace Act” de 1988,
  2. “Drug Free Schools and Campuses Regulations”,
  3. Law 4-1971, as amended, and
  4. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act conocida como Clery Act, según enmendada

The substantial part of the Policy details its prohibitions, assigns responsibilities, identifies sanctions and disciplinary actions to be implemented, and urges the articulation of a prevention program on the use and abuse of alcohol and tobacco.

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## III. DEFINITIONS

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- A. Accident** - Any event or consequence of an act, function or omission that affects or puts – any person or entity – at imminent risk of damage, injury or loss of health, safety or property.
- B. Under the effects** - Result of self-administration of substances that alter the subconscious and vital functions of the individual.
- C. Coherent** - Acting according to your ideas and expressions.
- D. Violent behavior** - Application of intense and/or excessive force.
- E. Consumption** - Self-administration of substances that alter the subconscious.
- F. Illegal Drugs or Controlled Substances** - Those included in Classifications I and II of Section 2202 of Title 24 of the Laws of Puerto Rico Annotated, as amended, known as the Puerto Rico Controlled Substances Act, or any other legislation of the Commonwealth of Puerto Rico or the Continental United States, except for the use of controlled substances by prescription or other use authorized by law, such as over-the-counter medications.

"Illegal drugs" or "controlled substances" include narcotics, hallucinogens, depressives, stimulants, synthetic drugs, or other substances capable of creating or maintaining adverse effects on people's physical, emotional, or mental states. It also includes controlled medicines for personal treatment purposes which do not have the corresponding prescription, issued and endorsed by a duly certified health professional, or whose use is not authorized by law.

- G. Legal drugs or medications** - Includes drugs prescribed by a doctor; medicines or remedies available without a prescription; and alcoholic beverages. Medications prescribed by a physician constitute drugs that an individual may be taking under the supervision or direction of a duly certified health care professional to address a specific condition, whether physical, emotional, or mental.
- H. Student** - Any person who has been officially admitted and enrolled in each semester or session and who is not suspended by the Satisfactory Academic Progress Standard (NPAS) or by a disciplinary sanction.
- I. Intoxicated-** Consequences of self-administering a substance that alters the subconscious where the person presents a significant alteration of their vital functions.
- J. Physician of the Institution** - Physician who works for the UAGM as an employee, independent contractor, physician by reference, or any other doctor designated or hired by the UAGM for the purpose of implementing and enforcing this policy, as well as the program and regulations that arise from it.
- K. Sample** - Means a sufficient amount of a minimum of 45 milliliters of urine, or any other fluid or tissue of the body that is obtained non-invasively and that is determined to meet the criteria of reliability and accuracy accepted by the laboratories, for the performance of initial and corroboration tests, and for the retention of a portion to allow the student to perform their own corroboration test.
- L. Unjustified refusal** - Refusal to submit to tests for controlled substances or alcohol, or to cooperate in having them carried out, as required. This includes:
1. Failure to report to the place where the sample is taken without adequate justification;
  2. Leave the place where the sample is taken without adequate justification;
  3. Express denial that he refuses to submit to the procedure;
  4. Not to obey orders or follow instructions from the laboratory or the officer in charge so that the sample can be produced properly,
  5. Alter the sample improperly;

6. Do not go for an alcohol test immediately and never later than two (2) hours after being required.

**M. Properties of the UAGM** - All the areas and localities owned by the UAGM - leased or under its control-, be counted from the property limits of the UAGM, as identified by said limits by close or by any other sign of demarcation, including but not limited to the places where services are provided or products are handled, as well as parking lots, access roads within uaGM grounds and localities, *lockers* and warehouse areas.

All areas and localities in which work is studied or carried out by representatives or agents of the UAGM or any of its employees, or that are assigned to the UAGM for its use and / or the use of any of its employees, students, teachers, contractors, suppliers, visitors and / or lessors or tenants, as well as the movable property located within said areas and localities.

The foregoing includes, without limitation: classrooms, offices, sports facilities , libraries, conference rooms, corridors, bathrooms, green areas, parking lots, cafeterias, bookstores, land, buildings, activities sponsored by the Institution, structures and / or movable and immovable properties located within the UAGM and public areas within or immediately adjacent to, and accessible from, the university campus, as defined and in the context of the *Clery Act*.

**N. Individualized Reasonable Suspicion** - Moral conviction that a specific person is under the influence, influence that he or she uses alcohol or controlled substances, regardless of whether or not such a fact is later established. Such suspicion shall be based on observable and subjective factors, such as:

1. Direct observation of the use or possession of alcohol or controlled substances,
2. Physical symptoms that show the influence of alcohol or a controlled substance,
3. Repeated pattern of abnormal behavior or erratic behavior on the premises of the Institution.

Reasonable and individualized suspicion must be established, at the very least, through the health services unit. Through interview, signs and symptoms a tentative diagnosis can be made. Medical care will be coordinated if needed. If there are security risks to other people, you will be referred to the security office. Student information will be referred to the quality of life staff for guidance of support services in and out of the Institution.

**O. UAGM Vehicles** - Automobiles, trucks, forklifts, boats, boats, motor vehicles, and any other vehicles belonging to the UAGM -or rented-, used in the operation of the UAGM for the transportation of students, and / or that are under its control or that of any of its representatives, employees, teachers, contractors, visitors and / or lessors or lessees.

**P. Evaluation Committee for the Implementation of the Drug, Alcohol and Tobacco Free Policy** - Agency in charge of ensuring compliance with the procedure related to exceptions to this policy.

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#### **IV. PROHIBITIONS**

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It is an absolute prohibition for UAGM students to use, consume, elaborate, sell, distribute, possess and / or be under the influence of alcohol or any controlled substance, during hours of study, in or outside the classroom or student area or in any of the premises of the UAGM or in activities sponsored by the Institution. Any student who engages in this behavior will be in violation of this Policy. As a consequence, sanctions will be applied according to the federal and state legislation concerned, and in accordance with the provisions of the Student Regulations or as established in the Policy.

All students are prohibited from using, presenting themselves under the influence (of), hiding or storing, promoting, buying, selling, and/or distributing within the PREMISES of the UAGM, any of the following substances or articles:

1. Illegal drug or related substances ;
2. Over-the-counter drug that may cause a negative side effect and risk safety at work, and/or any controlled substance;
3. Synthetic, designer, or similar drugs;
4. Alcoholic beverages and,
5. Drug paraphernalia
6. Electronic cigarette (vape)

Any student who uses any substance or article included in this Policy, in any of the UAGM premises, may face disciplinary action.

In addition, the use of tabaco, cigarette and electronic cigarette (vape) is prohibited in all areas and localities owned by the UAGM, leased or under the control of the Universidad Ana G. Méndez, including an area of up to one hundred (100) radial meters to be counted from the property limits of the UAGM, as identified by such boundaries by fence or by any other sign of demarcation, including but not limited to places where services are provided or products are handled, as well as parking lots, access roads within UAGM grounds and localities, *lockers* and warehouse areas.

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## **V. RESPONSIBILITIES**

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In addition to the rules and requirements established herein, all students must comply with the rules and requirements of the UAGM that apply to their work or studies and that have been informed to the students.

Every student has to appear free from the effects of controlled substances and alcohol and in optimal conditions to perform their functions safely, reliably and properly.

Every student is obliged to notify the UAGM in writing, immediately, of any accusation or conviction related to the violation of this Policy or the laws of controlled substances and / or alcohol, even if the facts that motivated the accusation or conviction have not occurred in the area of work or study.

Students are responsible for immediately notifying the Dean of Students of any incident, situation, fact or conduct that they witness or know of, which demonstrates or indicates that any person is in violation of this Policy. This alert will also be made when there is reasonable suspicion to believe that a student uses, consumes, elaborates, sells, distributes, owns, promotes the use (of), and/or is under the influence of alcohol or controlled substances.

In accordance with the Drug-Free Schools and Colleges Act, which serves as a guide to implementing the Drug-Free Workplace Act (1988), the UAGM requires all of its students to comply with this Policy around controlled substance abuse, alcohol, and cigarette use. Any student must notify the authorities of the Institution within five (5) days of the conviction for violation of the statutes on alcohol and drugs. If you are a student, you must notify the Dean of Students.

In order for the stipulations of this Policy to be adapted, according to the best practices of the trade, the Dean of Students will establish initiatives, programs, procedures and create or adapt similar documents in order to respond appropriately to the student community.

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## **VI. SANCTIONS**

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In deciding which disciplinary action or sanction will be applied or what action will be taken towards the student(s) involved in violating this Policy, the UAGM would weigh:

1. The nature of the behavior,

2. The handling of the situation or any accusation by law enforcement officers or the courts and/or,
3. Any additional factors, such as: the impact of the situation on other employees, students and/or the way in which the operation or functioning of the UAGM is affected.

Any student who incurs any violation of this Policy will be referred to the Dean of Students and will be subject to the sanctions imposed in the student regulations.

A student accused of using, consuming, processing, selling, distributing, possessing and/or being under the influence of a controlled substance may face suspension from studies during the time his or her case is heard in court.

Any student who fails to comply with this policy will be referred to the Disciplinary Council who will determine the sanctions between them, a permanent expulsion until requiring that the rehabilitation program be submitted and terminated at the student's expense. The UAGM will refer the student to an evaluation and recommendation from a substance abuse professional (SAP).

An unjustified refusal or refusal by a student to be tested for controlled substances and/or alcohol shall constitute *prima facie* evidence that the result would have been positive had the sample been taken. If it is a first positive result, the UAGM will refer the student to an evaluation and recommendation of a substance abuse professional (SAP). The student must present a certificate from this professional indicating the recommended treatment and the date on which he may be reinstated to his classes.

Penalties for these prohibited actions will be met as set forth in the rules of conduct in the Student Regulations, in this Policy, and under federal and state law. Penalties will depend on the severity of the violation and how it affects the well-being of the university community or other students, employees or visitors.

Any breach of this Policy could involve violations of federal or state law regarding the abuse of alcohol or controlled substances. Therefore, the Institution is empowered to take immediate disciplinary measures, regardless of where the transgression occurred. In addition, any violation of federal or state law may refer to the Attorney General's Offices of the Department of Justice for proper investigation or prosecution. Depending on the nature of the offense, the student may face the Student Discipline Committee, which will investigate and determine the relevant action (according to provisions of the Student Regulations).

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## VII. COMITÉ EVALUATOR OF IMPLEMENTATION OF DRUG, ALCOHOL AND TOBACCO FREE POLICY

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Each UAGM campus will constitute a committee that will be in charge of evaluating exceptions to this policy. This committee shall consist of three members appointed by the Chancellor. The members of this committee will represent the administrative area, academic area and student area. As permanent guests to this committee there will be representation from the Student Affairs area and the security area of each campus.

The functions of this committee shall be as follows:

- A. Provide guidance on the procedure for requesting an exception to this policy.
- B. Receive requests related to exceptions to this policy.
- C. Evaluate the requests and offer the necessary recommendations to carry out each activity in compliance with the established regulations.
- D. Notify about the requests for approvals and work carried out to the Vice Presidency of Operations and Physical Facilities.
- E. Ensure compliance with this policy.
- F. Any other matter designated by the Chancellor in relation to the established policy.

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## VIII. EXCEPTIONS

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- A. Events and / or educational activities requested by the vice presidents, vice-Chancellors and deans of the schools that have an educational or fundraising purpose for the Institution. Such events and activities must be previously approved by the **Evaluation Committee for the Implementation of the Policy for a Drug, Alcohol and Tobacco Free Community and Study Environment**, according to the procedure for the approval of exceptions.
- B. Academic staff who supervise courses and / or coordinate educational activities offered by the Culinary Arts and Hospitality programs, where the use and / or handling of alcoholic beverages is required as part of the academic program, will be responsible for establishing the regulations related to the use and handling of alcoholic beverages in the courses that require it. Activities authorized under this exception must comply with the sale and consumption of food and non-alcoholic beverages in greater proportion to alcohol consumption.



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## **IX. PROCEDURE FOR APPROVING EXCEPTIONS TO THIS POLICY**

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1. Submit a request to the Evaluation Committee for the sale of alcoholic beverages in its activity. This request must be submitted thirty (30) days prior to the date of the scheduled event, using the form provided for those purposes.
2. All illegality must be accompanied by a plan to attend the sale of alcoholic beverages in the activity that meets the requirements of paragraph X.
3. All requests must be answered within a period of no more than fifteen (15) calendar days, counted from the date on which the request was submitted. The approval or refusal of the application submitted shall be informed in writing within the prescribed period. That decision shall be final and final.
4. No application for the sale, use and consumption of alcohol will be authorized to those activities that are subsidized with federal funds.

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## **X. ACTIVITY APPROVAL REQUIREMENTS AS AN EXCEPTION TO THIS POLICY**

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1. All activity requires a monitor to ensure that the procedures in compliance with this policy are carried out .
2. In compliance with state law, alcoholic beverages will be served only to persons over the age of twenty-one (21). This will require the presentation of a *bonafide* identification document that evidences your age.
3. It must be evidenced that those who will be in charge of preparing and serving alcoholic beverages meet the requirement of majority.
4. Alcoholic beverages will not be served to pregnant women .
5. All activity must have the sale of alcoholic beverages one hour before the end of it.
6. In every activity there must be an adequate balance between alcoholic beverages, food and non-alcoholic beverages.

7. In those cases in which the activity is offered by the Institution or by any of the programs of the UAGM, the sale of alcoholic beverages will be in charge of people who meet the requirement of having the legal age for it.
8. Event attendees are prohibited from entering and/or leaving the activity area with alcoholic beverages.

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## **XI. SEARCH AND INSPECTIONS**

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The UAGM reserves the right to conduct searches and inspections as it deems necessary for the purpose of determining whether students possess, use, are under the influence, craft, transport, or hide any prohibited item or substance, as defined herein. Such searches or inspections will proceed after receiving the approval of the corresponding officers of the UAGM. These measures will be handled professionally, in accordance with current federal and local legislation and the procedure stipulated by the Office of Security, the Office of Human Resources or the Student Regulations. In such circumstances, the competent authorities would be notified .

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## **XII. PREVENTION PROGRAM ON DRUG, ALCOHOL AND TOBACCO USE AND ABUSE**

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As part of Universidad Ana G. Méndez's commitment to maintaining a healthy environment and in compliance with *Drug Free Schools and Campuses Regulations*, the **Drug, Alcohol and Tobacco Abuse Prevention Program** is established, which includes:

1. The annual written distribution of standards of conduct prohibiting the use, sale, and distribution of drugs and alcohol at the UAGM.
2. Dissemination of institutional policies and regulations for a drug, alcohol and tobacco-free community.
3. Risks and effects linked to the consumption of drugs, alcohol and tobacco.
4. Disclosure of rehabilitation programs and agencies available for treatment.
5. Preparation of a Biennial report where all prevention activity is published in compliance with the federal requirements of prevention programs in higher education institutions.

(Refer to the Universidad Ana G. Méndez Prevention Program Manual on Drug, Alcohol, and Tobacco Abuse.)

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**XIII. CONFIDENTIALITY**

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All tests and medical examinations will be carried out by a clinical and medical laboratory contracted by the UAGM, so that the disclosure of information regarding the results of the tests can be avoided. In the same way, the UAGM must keep in strict confidentiality any positive or negative result that is thrown from the tests taken, which will be kept in a separate file and different from the personnel file. Such information may not be offered or admitted in evidence in a criminal proceeding against the employee or student; except that it is the one who offers it.

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**XIV. SEPARABILIDAD**

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If any provision of this Policy is declared unconstitutional or invalidated by any court with jurisdiction, it will be understood that the rest of its articles will subsist in its validity and validity.

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**XV. VALIDITY**

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The effective date of this policy will take effect as of today, March 9, 2022.

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**XVI. APPROVALS**

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Ricardo Rodriguez Domenech  
Acting Vice President of  
Marketing and Student Affairs

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Date

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José F. Méndez Méndez  
President

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Date