

BRIDGEVALLEY COMMUNITY & TECHNICAL COLLEGE

OPERATING POLICY

Effective Date	Subject	Number	Page
July 9, 2014	ALCOHOL AND DRUGS	B-OP-34-14	1 of 3
Supersedes/Supplements:	BC A-OP-15-10, KV AP-IV-21		
Reference:	Anti-Drug Abuse Act of 1988, Drug Free Workplace Act of 1988, <i>Drug-Free Schools and Communities Act</i> , <i>Education Department General Administrative Regulations Part 86</i>		

POLICY STATEMENT

BridgeValley Community and Technical College (College) will meet requirements of the Anti-Drug Abuse Act of 1988, the Drug Free Workplace Act of 1988, and in compliance with requirements of the 1989 amendments to the *Drug-Free Schools and Communities Act*, as articulated in the *Education Department General Administrative Regulations (EDGAR) Part 86* (the Drug-Free Schools and Campuses Regulations). Part 86 pertains to “Drug and Alcohol Abuse Prevention.” These regulations can be reviewed in the Federal Register, Vol. 55, No. 159, Aug. 16, 1990, pp. 33580-33601, or online at www2.ed.gov/policy/fund/reg/edgarReg/edgar.html.

PURPOSE

The College recognizes the importance of a safe, efficient and healthy work and educational environment. Being under the influence of any illegal drug or alcohol on campus or at college sponsored functions poses serious risks to a person’s health and safety, and jeopardizes public trust that has been placed in the institution. In recognition of the serious effects of alcohol and drug abuse on the safety and performance of students and employees, this policy provides standards of conduct and clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities. This policy certifies that as an employer who contracts and receives funding from federal agencies, the College will meet requirements of the law for providing a “drug-free workplace.”

SCOPE AND APPLICABILITY

The College recognizes its employees and students as being adults and expects them to obey the law and to take personal responsibility for their conduct. This policy applies to the College community, including faculty, staff, administrators, students, and visitors to the campuses, including contractors, sub-contractors, volunteers and service providers.

POLICY

- A. The College will maintain a workplace free of the illegal use of drugs. The unlawful manufacture, distribution, sale, dispensing, possession, or use of illegal drugs, the abuse or improper use of prescribed drugs, and the use of alcohol on the College property or as a part of any college sponsored function is prohibited. Reporting to work, class, or any college sponsored function under the influence of alcohol or illegal drugs is prohibited.

- B. Legally prescribed medications taken properly are excluded from prohibition and permitted only to the extent that such medications do not adversely affect a person's work ability, job performance, or the safety of others.
- C. Any person who violates the policy shall be subject to disciplinary action. When reasonable suspicion exists that an independent contractor, volunteer, or employee has reported to work under the influence of alcohol, illegal drugs, or is impaired due to abuse or misuse of controlled substances or prescribed medications, the individual may be subject to assessment and disciplinary action, or termination of the service agreement. The College will impose disciplinary sanctions on students and employees consistent with institutional policies, and local, state, or federal laws for violation of the standards of conduct outlined above. All persons should be aware that violations could result in expulsion from school, termination of employment, or referral for prosecution. Sanctions may include, but are not limited to, a requirement that the person participate in a drug abuse assistance or rehabilitation program. College sanctions will be imposed consistent with procedures used in disciplinary actions for students and employees.

PROCEDURES

- A. Because work sites provide day-to-day supervision for persons at the College, supervisors and unit administrators will be required to assume primary responsibility for the enforcement of this policy and to take appropriate personnel action.
- B. As a condition of employment, college employees agree to abide by the terms of this policy and to notify the Human Resources Administrator or designee of any criminal drug or alcohol related conviction for violation of a criminal drug or alcohol statute occurring in the workplace no later than five (5) days after the conviction.
- C. After review of the reported incidents and determination of reporting requirements, the appropriate unit administrator will notify the federal granting agency within ten (10) days after receiving notice of a conviction from an employee or otherwise receiving actual notice of such conviction.
- D. The Human Resources Administrator is responsible for development and communication of drug and alcohol prevention programs for employees in compliance with the Drug Free Workplace Act of 1988, which includes:
 - 1. Distribution of this policy to each employee and collection of signed "Drug Awareness Certification Form." The distribution may be in writing or electronically.
 - 2. Maintaining a copy of this policy in an accessible location and posting the policy on the institutional web site.
 - 3. Inclusion of a copy of this policy in every orientation packet for new employees.
- E. The Senior Vice President or designee is responsible for development and communication of a drug and alcohol awareness program for students, in compliance with the Drug Free Schools and Communities Act, which includes:

1. Annual distribution of this policy or information contained herein, to every student taking one or more classes for credit. The distribution may be accomplished by publication of this policy in electronic or printed format in the Student Handbook, the College Catalog, and/or the Schedule of Classes.
 2. A biennial review of the program's effectiveness and the consistency of the enforcement of sanctions. The Department of Education recommends that the biennial review be conducted in even-numbered years, focusing on the two preceding academic years. Records used for review and report preparation will be retained for a period of three years after the fiscal year in which the record was created. If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the records will be retained until completion of the action and resolution of all issues that arise from it, or until the end of the regular three year period, whichever is later.
- F. The Financial Affairs Office is responsible for ensuring that contractors, sub-contractors, or volunteers for services paid by federal grants certify that they maintain a drug free workplace and that they commit to and comply with the terms and conditions of this policy.
- G. Counseling and Treatment Resources:
1. For students, assistance and information concerning substance abuse and its treatment may be obtained from the offices of Student Services.
 2. Employees may obtain assistance and information from the Human Resources Office.
 3. The College, in providing any list of counseling, treatment, and rehabilitation programs, is in no way affiliated with these agencies. The College cannot accept liability for any services, treatment, or counseling provided by these agencies or their employees or any acts of misfeasance, nonfeasance, or malfeasance by same. The individual and his/her parents or guardian should conduct checks or reviews of these agencies to determine if they will meet the needs of the individual.

DEFINITIONS

Illegal drugs – controlled substances defined by any state or federal regulatory body authorized to designate substances as such.

Conviction – means a finding of guilt, (including a plea or nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Contractor – means any department, division, unit, or any person responsible for the performance of work under a contract.

Approved by: Cabinet **Date:** 7/9/2014