Revision Responsibility:	Assistant Vice President for Human Resources
Responsible Executive Officer:	Vice President for Business Affairs
Source/Reference:	Drug-Free Workplace Act of 1988 Drug-Free Schools and Communities Act Amendments of 1989
Approved by:	Wade B. McCamey

PURPOSE

To establish guidelines and standards for implementation of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

POLICY

I. Introduction

It is the policy of this institution that the unlawful manufacture, distribution, dispensation, possession, use or being under the influence of alcohol and/or illegal drugs on the Walters State Community College campus, on property owned or controlled by the college, or as a part of any activity of the college is strictly prohibited. All categories of employees and students are subject to this policy and to applicable federal, state and local laws related to this matter. Additionally, any violation of this policy will result in disciplinary actions set forth in the applicable sections of this policy.

Good Faith Effort

The college is responsible for making a "good faith effort" to establish and maintain a drug-free campus and workplace by following the steps enumerated in this policy. This effort requires the cooperation and support of each faculty member, student and staff employee in maintaining a "Drug-Free Environment" at Walters State Community College.

II. Definitions

A. **Controlled Substance:** Controlled substances include drugs such as opium, opium derivatives, hallucinogens (like marijuana, mescaline, peyote, LSD psilocybin), cocaine, amphetamines, codeine, heroine and morphine. This definition does not include lawfully prescribed drugs which are being taken under a physician's or dentist's care. For a complete schedule of controlled substances, see Title 21, U.S. Code Annotated 812 which is available in the Library.

B. **Conviction:** Conviction includes a finding of guilt, plea of nolo contendere or imposition of a sentence by any state or federal judicial body.

C. **Workplace:** Workplace for purposes of this policy is defined as the buildings and grounds encompassing the main campus of Walters State Community College and off-campus buildings, grounds, and facilities operated or occupied by entities of the college.

III. Scope

A. **Drug-Free Workplace Act**
Effective as of March 18, 1989, the Drug-Free Workplace Act requires employers who contract with or receive grants from federal agencies to certify that they will meet certain requirements for providing a "drug-free workplace." The Act becomes applicable to Walters State when the institution:

1. receives a federal contract for the procurement of property or services where the contract amount (or value of the services) is $25,000 or more, or
2. receives any federal grant. The Act imposes no monetary minimum on the grants to which it applies.

Walters State Community College is currently in receipt of federal grants and contracts meeting the above criteria, hence the institution is required to comply with the provisions of the Act.

B. **Drug-Free Schools And Communities Act**
Effective as of October 1, 1990, the Drug-Free Schools and Communities Act provides that in order to receive federal financial assistance of any kind, an institution of higher education must certify that it has "adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees." Each institution must have a program that, at the least, provides that all students and employees receive annually a written statement covering (1) standards of conduct concerning drugs and alcohol; (2) legal actions; (3) health risks; (4) available counseling and treatment programs; and (5) disciplinary sanctions that the institution will impose on students and employees. Every two years the institution must conduct a review of its program to determine the effectiveness, implement changes and ensure that disciplinary sanctions are being consistently enforced. These requirements are separate and distinct from the requirements under the Drug-Free Workplace Act of 1988. The Drug-Free Workplace rules related only to employees involved in work under federal grant or contracts and cover illegal drugs only, no alcohol. The rules under the Drug-Free Schools and Communities Act are broader in scope, covering drugs and alcohol, students and employees. The entire institution is covered by the Act as long as an institution receives any federal funds.

IV. Guidelines for Implementation of "Drug-Free Workplace Act of 1988" Effective Date

The effective date for implementation of the Drug-Free Workplace Act of 1988 at Walters State Community College is March 18, 1989. Penalty for Non-Compliance by Institution: Failure of the institution to comply with the Act may result in suspension of payments under the federal contract or grant or termination. While the Act does provide a hearing process, a final decision against the institution can make it ineligible for the award of any future contract, procurement of services or participation in a grant program with any federal agency for up to five years.

A. Notice to Students:
In addition to penalties students may be subject to under local, state or federal law, students violating this policy will be subject to disciplinary action, including, but not necessarily limited to:

1. Probation
2. Suspension

3. Required participation in, and satisfactory completion of drug/alcohol
4. counseling or rehabilitation programs
5. Expulsion from school

In addition to the above, students may be required to participate in, and satisfactorily complete, a substance abuse program or rehabilitation program. As a condition for receiving federal Title IV financial aid, each student must certify that he/she will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and must notify the Director of Student Financial Aid of any conviction within five days after such conviction. A student convicted of violating the regulation may lose his/her federally funded financial aid.

B. Notice to Employees:
All faculty and staff employees as well as employees specifically involved in the performance of federal contracts and/or grants shall be given written notice**:**

1. That compliance with the provisions of this policy and the Drug-Free Workplace Act of 1988 is a condition of employment at this institution and a condition of employment under federal contracts and grants administered by this institution.

2. That the unlawful manufacture, distribution, dispensation, possession or use of controlled substances is prohibited on campus at Walters State Community College and at off-campus facilities operated or occupied by entities of the college.

3. That faculty and staff employees are required to notify the president of the college in person or in writing of any drug convictions resulting from a violation in the workplace no later than five days after the conviction.

In addition to the written notice to faculty and staff employees, this notice shall also be published periodically in the college media, discussed periodically at staff meetings and included in the indoctrination of all categories of new employees. Written notice shall also be given to all new employees as a part of the employment processing.

V. Drug-Free Awareness Program

The college Drug-Free Awareness Program shall be maintained by the counseling office with assistance from the management and supervisory staff of all organizational levels of the institution. The objectives of the program will be to inform faculty and staff employees of:

A. The dangers of drug abuse in the workplace**.** This will be accomplished through the use of pamphlets, brochures, discussion at staff meetings, small group discussions, video presentations and by guest lectures.

B. Information about the institution's policy of maintaining a drug-free environment. Information on this policy will be published periodically in *The Bulletin,* the *Statesman,* and other college publications. The policy will also be discussed periodically at faculty and staff meetings and will be included in the indoctrination of all categories of new employees.

C. The penalties and sanctions that may be imposed upon faculty and staff employees for drug abuse violations will be included in the drug-free environment information programs discussed above. The types of penalties and sanctions will be enumerated in the Drug-Free Workplace Notification letters sent to each faculty and staff member of the college.

D. The availability of drug counseling and professional drug rehabilitation programs**.**

E. Counseling Office: The counseling department provides confidential counseling to students and employees on drug and alcohol related problems. This service is furnished at no cost to students or employees. Referral services are also provided for professional counseling, treatment and rehabilitation programs that are available in the local community. The cost of these professional services is normally the responsibility of the individual concerned or the individual's insurance carrier. The campus nurse also coordinates the administration of the College Drug-Free Awareness Program. The phone number for counseling office is 423-585-6800.

VI. Employee Assistance Program (EAP)

Employees of the college and their dependents are eligible to participate in the State of Tennessee Employee Assistance Program, (EAP). Professional counseling services for drug and alcohol related problems are available through Magellan Health Services, an independent contractor. The counseling services are voluntary and strictly confidential. Up to five counseling sessions are free of charge for employees and their immediate family members. Additional information can be found at “Here 4 TN” website. Appointments for counseling are made by calling 1-855-437-3486.

VII. Notification to Contracting or Granting Agency

The college is responsible for making an official notification to the applicable federal contracting or granting agency within ten days after receiving notice from a faculty or staff employee or otherwise of an employee's criminal drug statute conviction for conduct in the workplace.

VIII. Penalties and Sanctions

Appropriate disciplinary action shall be taken in all cases in which faculty and staff employees are convicted of a drug statute violation for conduct in the workplace or otherwise violate the provisions of the Drug-Free Workplace Act of 1988 as implemented by this policy. The circumstances surrounding the offense and the facts as determined by appropriate investigation will be fully reviewed prior to a decision on the action to be taken. Penalties and./or sanctions may range from professional counseling to termination for cause based upon the circumstances and nature of the offense; however, faculty and staff members convicted of violations of the Drug-Free Workplace Act should not expect continued employment at this institution. Penalties and/or sanctions include any one or a combination of the following:

1. Recommended professional counseling.
2. Letter of warning/admonition.
3. Letter of probation.

4. Strongly encouraged to participate in a drug/alcohol counseling or rehabilitation.
5. Suspension from duty.
   Referral for possible prosecution.
6. Termination in accordance with the terms of employment-at-will contract.
7. Termination for cause.
8. Other appropriate disciplinary action.

IX. Guidelines for Implementation of the Drug-Free Schools and Communities Act Amendments of 1989

A. Background: The following guidelines are established in compliance with the Drug-Free Schools and Communities Act Amendments of 1989.

B. Effective Date: The effective date for implementation of the Drug-Free Schools and Communities Act Amendments of 1989 at Walters State Community College is October 1, 1990.

C. Penalty for Non-Compliance by Institution: Failure of the institution to comply with the Act may result in the loss or suspension of funds or any other form of financial assistance under any federal program. While the Act does provide a hearing process, a final decision against an institution can make it ineligible for federal contracts, grants or any other form of financial assistance under any federal program for an extended period of time.

X. Standards of Conduct

Walters State Community College employees and students are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use or being under the influence of illegal drugs of alcohol on the college campus, at off-campus facilities owned or controlled by the college or as a part of college sponsored activities. All categories of employees and students are subject to this policy and to applicable federal, state and local laws related to this matter.

A. Legal Sanctions Under Local, State and Federal Law
Various federal, state and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell or possess with intent to manufacture, distribute, dispense, deliver or sell, controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved, the number of prior offenses, if any, whether death or serious bodily injury resulted from the use of such substance, and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment, a fine of up to $4,000,000 if an individual, supervised release, any combination of the above, or all three. These sanctions are doubled when the offense involves either: 1) distribution or possession at or near a school or college campus, or 2) distribution to persons under 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to $10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; if there is an

exchange between a minor and an adult at least two years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. S39-17-417. (21 U.S.C. S801, et. seq.; T.C.A. S39-17-417)

It is unlawful for any person under the age of 21 to buy, possess, transport (unless in the course of his employment), or consume alcoholic beverages, wine or beer, such offenses being classified Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than $2,500, or both. (T.C.A. SS1-3-113, 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of 21, such offense being classified a Class A misdemeanor. (S39-15-404) The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than $50, or both. (T.C.A. S39-17-310)

XI. Health Risks Associated with Use of Illicit Drugs and/or Abuse of Alcohol

Every drug, including alcohol, is a potential poison which may cause disability and death if it is taken incorrectly into the body, consumed in wrong amounts or mixed indiscriminately with other drugs. Drugs cause physical and emotional dependence. Drugs and their harmful side effects can remain in the body long after use has stopped. The extent to which a drug is retained in the body depends on the drug's chemical composition, that is whether or not it is fat-soluble. Fat-soluble drugs such a marijuana, phencyclidine (PCP), and lysergic acid (LSD) seek out and settle in the fatty tissues. As a result, they build up in the fatty parts of the body such as the brain and reproductive system. Such accumulations of drugs and their slow release over time may cause delayed effects weeks, months, and even years after drug use has stopped.

There are many health risks associated with the use of illicit drugs and the abuse of alcohol including organic damage; impairment of brain activity, digestion, and blood circulation; impairment of physiological processes and mental functioning; and, physical and psychological dependence. Such use during pregnancy may cause spontaneous abortion, various birth defects or fetal alcohol syndrome. Additionally, the illicit use of drugs increases the risk of contracting hepatitis, AIDS and other infections. If used excessively, the use of alcohol or drugs singly or in certain combinations may cause death.

XII. Penalties and Sanctions

Appropriate action shall be taken in all cases in which faculty members, students or staff employees are determined to be in violation of the Drug-Free Schools and Communities Act Amendments of 1989 as implemented by this policy**.**

- Employees: Any supervisor becoming aware of an employee violation of this policy, whether by virtue of notification by an employee of a conviction or by other means, will immediately notify the Assistant Vice President for Human Resources.

- Students: Any alleged violation of the Act as implemented by this policy by a student of the college shall be reported to the Vice President for Student Affairs. The circumstances surrounding the offense and the facts as determined by appropriate investigation will be fully reviewed prior to a decision on the action to be taken. In addition to penalties students may be subject to under local, state or federal law, students violating this policy will be subject to disciplinary action, including, but not necessarily limited to:

1. Probation.
2. Strongly encouraged to participate in a drug/alcohol counseling or rehabilitation program.
3. Suspension.
4. Referral for possible prosecution.
5. Expulsion from school.
6. Other appropriate disciplinary actions.

In addition to the above, students may be required to participate in, and satisfactorily complete, a substance abuse program or rehabilitation program. As a condition for receiving federal Title IV financial aid, each student must certify that he/she will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and must notify the Executive Director of Financial Aid of any conviction within five days after such conviction. A student convicted of violating the regulation may lose his/her federally funded financial aid.

XIII. Notification to Employees and Students

All categories of employees and students (regardless of the length of the program of study) shall be notified in writing initially and on an annual basis of the requirements of the Drug-Free Schools and Communities Act Amendments of 1989 as implemented by this policy. The initial notifications shall be made on or before September 4, 1990.

XIV. Review of Illicit Drug and Alcohol Program

A biennial review of the illicit drug and alcohol program established in accordance with the Drug-Free Schools and Communities Act Amendments of 1989 shall be conducted under the supervision of the vice president for Business Affairs and the vice president for Student Affairs. The purpose of the review is to determine the effectiveness of the program, to implement changes as needed and to insure that the penalties and sanctions are being enforced consistently. The initial review shall be conducted in June 1992 with subsequent reviews being conducted every other year thereafter.

XV. Drug Prevention Program Certification

This certification, as required by the Drug-Free Schools and Communities Act Amendments of 1989, must be submitted to the Secretary of the U. S. Department of Education, in order for the institution to be eligible to receive funds or any other form of financial assistance under any federal program after October 1, 1990. This one-time certification shall be signed by the president of the college and submitted no later than September 4, 1990. 8/04; 3/06; 8/13 05/16