

## **BP 2.16 Drug and Alcohol Free Workplace**

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**Legal Authority**    *1C SBCCC 200.94; NC General Statute Article 5, Chapter 90*

**Approvals**            *04/22/09*  
**Revision**

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### **Policy**

McDowell Technical Community College is committed to protecting the safety, health, and well-being of all employees. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

As a recipient of federal funds (including grants and other forms of assistance), the College is subject to Title 41, Chapter 10, § 702 Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act Amendment of 1989, Public Law 101-226 (The "Acts"), which require institutions of higher education to adopt and implement programs designed to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by employees. The College always has expected its employees to refrain from such activities and to conduct themselves at all times in a manner which would enhance the reputation of the college in the community. This Drug and Alcohol Free Workplace policy (the "Policy") is being adopted to formalize these expectations, to implement the statutory requirements of the Acts, and to provide additional policy guidelines for maintaining a safe, drug and alcohol-free campus and workplace.

It is the policy of this college that the unlawful manufacture, distribution, dispensation, possession, or use (including being under the influence) of an illegal drug or alcohol on the College's property or as a part of any of its activities is prohibited.

### **Definitions**

For purposes of this policy:

1. "Illicit drugs" means any "controlled substances," as defined at 21 U.S.C. § 802 and listed on Schedules I through V of 21 U.S.C. § 812, as revised from time to time; as defined and listed on Schedules I through VI in Article 5 of Chapter 90 of the North Carolina General Statutes, as revised from time to time; and as defined by other federal and state laws and regulations (unless the controlled substance has been prescribed and is being taken as prescribed). Generally these are drugs which have a high potential for abuse and include but are not limited to marijuana, opiates, cocaine, amphetamines, and phencyclidine. Also included are other drugs that are illegal under federal, state, or local law; legal drugs that have been obtained illegally or are not being taken as prescribed by a licensed physician; and substances that are not intended for human consumption (such as glue).
2. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
3. "College Property" includes the buildings, grounds, parking lots, and other property of the College, or any other location where the business of the College is being performed or carried out, and college vehicles.

## **Prohibited Conduct**

Employees of the College are expected to adhere to this Policy as a condition of their employment at the College. An employee of the College will be subject to disciplinary sanctions, up to and including termination, for engaging in any of the following prohibited conduct:

1. Engaging in the unlawful or unauthorized manufacture, distribution, dispensing, possession, sale, purchase, or use of any illicit drug or alcohol while on the College campus, while at school or work or during his or her school or working hours, at a College-sponsored event, while engaging in College business, while representing the College away from the College campus, or while participating in College activities;
2. Being under the influence of any illicit drug or alcohol while on the College campus, while at school or work during his or her school or working hours, in a College vehicle, while using College equipment, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participating in College activities (reasonable use of alcohol may be permitted in a business/social setting, provided the employee is of legal age);
3. Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using an illicit drug away from the College campus in a manner that adversely affects the employee's performance, his or her or others' safety at school or work, or the College's regard or reputation in the community;
4. Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using alcohol away from the College campus in a manner that adversely affects an employee's performance at work or adversely affects the employee's or others' safety at school or work;
5. Storing an illicit drug or alcohol in a locker, desk or other repository owned by the College or located on the College campus without prior authorization from appropriate College officials, even if the repository is made available for an employee's use, or
6. Failing to report to the College a conviction for violation of any criminal drug statute occurring in the workplace (whether entered into upon a verdict or a plea, including a plea of nolo contendens) within five calendar days after the conviction.

## **Disciplinary Actions**

One of the goals of our drug-free workplace policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

Commission of any of the above violations will result in disciplinary actions by the College against the offending employee that are consistent with federal, state, and local law. Disciplinary actions for a first offense generally will be a written warning, suspension from employment without pay for up to one semester or its equivalent, or termination from employment. Any illicit drugs or alcohol found in or on College property will be turned over to the appropriate authorities, and the College will assist in any resulting criminal prosecution. The College reserves the right to refer violators of this Policy to appropriate authorities for prosecution.

Likewise, at its sole discretion and in lieu of or in addition to taking disciplinary action, the College may refer the offending employee to a substance abuse professional approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency, for evaluation

and possible assistance. The employee will be expected to comply with any assistance or rehabilitation program prescribed by the substance abuse professional as a precondition for continued employment, as applicable. Participation in any assistance or rehabilitation program will be held at the employee's own expense.