

BP – 2.4

DRUG AND ALCOHOL USE

Legal Authority: 1C SBCCC 200.94; 34 CFR Part 86

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DRUG AND ALCOHOL USE

It is the policy of Craven Community College to provide employees and students an environment that is free of drugs and alcohol. In compliance with the Drug-Free Schools and Communities Act of 1989, the College will adopt and implement a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its premises and as a part of any of its activities. In compliance with the Drug-Free Workplace Act of 1988, the College prohibits the unlawful manufacture, distribution, dispensation, possession, use, or sale of a controlled substance or alcohol during work time and breaks, on College premises or as part of any College-sponsored activity, while driving a College owned vehicle and/or while driving any vehicle for a College-sponsored, sanctioned or required activity.

The following are limited exceptions to the prohibitions of this policy:

- The President is authorized to waive prohibition of the use, possession, distribution and/or dispensation of alcohol for College-sanctioned events that do not involve significant student participation.
- Unopened (sealed) alcoholic beverages, in their original containers, are permitted in personally owned vehicles parked on College property.
- An instructional course that requires the use, possession, distribution or dispensation of alcohol. The Board authorizes the President to conduct, upon receiving the necessary State Board of Education and NC Alcoholic Beverage Control Commission approvals, the following instructional programs:
 - A brewing, distillation and fermentation program pursuant to N.C.G.S. § 18B-1114.6. The purpose of the brewing, distillation and fermentation program is solely educational.
 - A viticulture and enology program pursuant to N.C.G.S. § 18B-1114.4. The purpose of a viticulture and enology program is solely educational.
 - The President shall develop applicable Procedures prior to initiating these instructional programs.

Definitions

Drug: Any “controlled substance” 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, and as defined by other federal laws and regulations. Controlled substances also includes those substances listed on Schedules I through VI in Article 5 of

Chapter 90 of the North Carolina General Statutes and as defined by other state or local laws and regulations. Generally, these are drugs that have a high potential for abuse. Such drugs include but are not limited to heroin, marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and crack cocaine. Also included within this definition are any 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).

Alcohol: Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol. Alcohol includes any beverage containing at least one-half of one percent (0.5%) by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages and any other beverages regulated by the North Carolina ABC Commission under Chapter 18B of the North Carolina General Statutes.

College campus: The buildings, grounds, parking lots, and other property of the College, or any other location where the business or an activity of the College is being performed or carried out.

Conviction: A plea of or a finding of guilt (including a plea of nolo contendere) and the imposition of a judgment by a judge sitting with or without a jury in any federal or state court or military tribunal.

Prohibited Conduct for Students

No student shall manufacture, distribute, dispense, possess, use, sale or be under the influence of any drug or alcoholic beverage before, during or after school hours on College premises, at any College location, or at College-sponsored events or activities. A student's legal use of prescribed or over-the-counter drugs is not a violation of policy only if such use does not endanger the student or others and it does not interfere with student learning or participation in student-related activities. Students shall be held strictly accountable for their behavior while under the influence of prescribed drugs or over-the-counter drugs.

Any student who violates this policy while on College premises or as part of any College-sponsored activity will be subject to disciplinary action.

Instructors have the discretion to determine whether a student may be under the influence of drugs or alcohol. If an instructor suspects a student is under the influence of drugs or alcohol, he or she has the authority to contact campus security to remove the student from the classroom. Instructors must notify the Dean of Enrollment Management or designee of this alleged violation of the Code of Student Conduct as soon as possible.

Disciplinary Sanctions for Students

A student who violates the terms of this policy will be subject to disciplinary action in accordance with the Code of Student Conduct. Disciplinary action including, but not limited to suspension, dismissal or the requirement that the student satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program. The student is expected to comply with any assistance or rehabilitation program prescribed as a condition of his or her enrollment. Participation in any assistance or rehabilitation program will be at the student's own expense.

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.

Prohibited Conduct for Employees

A violation of this drug and alcohol abuse policy occurs when any employee:

Engages in the unlawful manufacture, distribution, dispensing, possession of, sale, purchase, trade, or use of any drug or alcohol while at the workplace, while using equipment owned or leased by the College, while in a vehicle owned or leased by the College or while representing the College away from the workplace, except for the reasonable social use of alcohol in a business/social setting, provided the employee is of legal age.

Reports to the work site impaired by drugs or alcohol, including improper use of drugs prescribed by a physician, and over-the-counter medications. Any employee using prescribed medications under a physician's direction and any employee taking prescription or over-the-counter medication that could alter their ability to perform the duties and responsibilities of their position, must notify the appropriate supervisor. Such employee is responsible for knowing and understanding the effects of any drug being taken. Failure to know or understand will not be a bar to disciplinary action. If, in the opinion of the employee's supervisor, an employee's actions and/or behavior are considered unsafe as a result of using the medication, the employee may be sent home on leave. If any employee reports to the work site while impaired by any of the above, this behavior shall be deemed inappropriate and unacceptable "personal conduct" for the purposes of the College.

Fails to report a conviction for driving while impaired, resulting in suspension or revocation of the employee's license, if the employee's job requires a valid operator's license. In this situation, the employee must report the license suspension or revocation to Human Resources. Human Resources shall determine whether suspension or revocation of the employee's driver's license interferes with a minimum level of job performance. If suspension or revocation of the employee's license is for one (1) year or less, the College may either assign the employee to another job for which he or she is qualified or may dismiss the employee for cause. Failure to notify Human Resources shall be cause for disciplinary action.

Manufactures, distributes, dispenses, possesses, sells, purchases, or uses prohibited drugs or alcohol away from the College campus in a manner that adversely affects the employee's performance, his or her or others' safety at work, or the College's regard or reputation in the community is viewed as inappropriate and unacceptable "personal conduct".

Stores any prohibited drug or unauthorized alcohol in a drawer, desk, cabinet, vehicle, or other repository owned or leased by the College or located at the workplace.

Fails to report in writing to the Human Resources Department any conviction under federal or state criminal drug statutes or conviction of an alcohol-related crime within five (5) calendar days following such conviction.

Commission of any of the above violations can result in disciplinary action, up to and including an unpaid suspension or dismissal.

Drug and Alcohol Testing of Employees

Craven Community College maintains a drug and alcohol-screening program for employees consistent with legal requirements. The President shall adopt and implement appropriate procedures for drug and alcohol testing.

Disciplinary Sanctions for Employees

Violations of this policy may result in disciplinary action up to, and including, an unpaid suspension, non-renewal or dismissal. At the College's sole discretion and in lieu of or in addition to taking disciplinary action, the College may refer an employee to a substance abuse professional or other appropriate agency, for evaluation and possible assistance. The employee will be expected to comply with any assistance or rehabilitation program prescribed as a condition of his or her employment. Participation in any assistance or rehabilitation program will be at the employee's own expense. In addition, the College may require the employee to sign and adhere to a Last Chance Assistance Agreement form or similar agreement provided by the College.

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. Employees who are in violation of alcohol and drug laws may suffer legal consequences ranging from fines up to incarceration.

Enforcement

The College is committed to enforcing this policy and to making sure that students and employees understand its contents and requirements. For this reason, the policy will be published annually in the College's Student Handbook and will be made available to employees along with other personnel policies and procedures of the College.

The College will review its drug and alcohol abuse program biennially or as otherwise required, to determine its effectiveness and implement any changes as needed, and to help ensure that the disciplinary sanctions described in this policy are enforced consistently.

All applicable laws pertaining to alcohol consumption, including laws relating to the sale to, purchase by, or use by underage persons of alcohol, will be enforced on the College campus. Similarly, all applicable federal, state, and local drug laws will be enforced on the College campus.

Employees working under a federal grant or contract that are convicted of violating a federal or state criminal drug statute or alcohol-related crime on College premises or as part of any College-sponsored activity, must report such conviction to the Human Resources department within five (5) calendar days of the conviction. The College will notify the appropriate federal government agency, which made the grant, within ten (10) calendar days of receiving notice thereof. The College shall take appropriate disciplinary action within thirty (30) calendar days from receipt of notice. As a condition of further employment on any federal government grant or contract, the law requires all employees to abide by this policy.

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