

Title: Drug and Alcohol Policy

Policy: The college endeavors to ensure that its employees are free from current substance abuse and alcohol abuse. The goal of this Policy is to maintain a drug and alcohol-free environment and to reduce the potential for unnecessary accidents and injuries. The use of alcohol and drugs poses a serious threat, and we intend to do all that we can to maintain a safe, healthful, and productive working environment.

Prohibited Conduct

Under this Policy, the following conduct is prohibited:

- Employees may not possess, use, purchase, sell, or transfer alcohol on college property (including parking lots), in college vehicles (either owned by or leased to the college), or otherwise while on college business, except as outlined below in this Policy.
- Employees may not consume alcohol on or off college property during working hours, lunch periods, or break or relief periods, except as outlined below in this Policy.
- Employees may not manufacture, possess, use, purchase, sell, or transfer controlled substances or illegal drugs of any amount on college property (including parking lots), in college vehicles (either owned by or leased to the college), while on college business or while performing any duties for the college. Illegal drugs and controlled substances are those that cannot be legally obtained, including controlled dangerous substances and controlled substance analogues, as well as those drugs which, although legal, have been illegally obtained and/or are being misused (*i.e.*, prescribed drugs not being used for prescribed purposes, including amphetamines and barbiturates). Examples of illegal drugs include marijuana, cocaine, “crack,” heroin, morphine, phencyclidine (PCP), hallucinogens, methamphetamine, synthetic drugs, and other narcotics. Controlled substances include marijuana obtained for medicinal purposes, even if legally obtained in accordance with state laws.
- Employees may not report to work under the influence of alcohol or illegal drugs or controlled substances.
- Employees may not use or consume illegal drugs or controlled substances, including medical marijuana, on or off college property during working hours, lunch periods, or break or relief periods.
- Employees are prohibited from bringing drug paraphernalia onto college property (including parking lots) at any time.

- Employees are prohibited from refusing to submit to any alcohol or drug test conducted under this Policy.
- Any employee who tests positive for any illegal drug on a drug test is in violation of this Policy. With respect to medical marijuana, any employee with observed impairment of physical or mental ability and who tests positive for marijuana on a drug test is in violation of this Policy.

Consequences of Policy Violation

Any employee who engages in prohibited conduct as set forth herein will be subject to disciplinary action, up to and including termination of employment. The employment of any individual who tests positive for alcohol, controlled substances, and/or illegal drugs, or who refuses a test under this Policy, may be terminated.

College-Sponsored Events

From time to time, the College may sponsor or host social or professional events where alcohol may be served. This Policy does not prohibit employee use or consumption of alcohol at these events. However, if employees choose to consume alcohol at such events, employees must do so responsibly and conduct themselves properly and professionally at all times. Employees attending these events must at all times abide by relevant state and local laws, including but not limited to laws regarding driving under the influence of alcohol.

Prescription Medication and Legal Drugs

The college recognizes that on occasion employees must use prescription or over-the-counter drugs for medical purposes. The college also recognizes that employees might use legally obtained medicinal marijuana for medical purposes. Any employee taking a prescription or over-the-counter drug that is known or advertised as possibly affecting or impairing judgment, coordination or other senses (including dizziness or drowsiness), or that may adversely affect the employee's physical or mental ability to perform work in a safe and productive manner, including medical marijuana, must obtain written certification from the prescribing physician or a pharmacist that the drug will not interfere with safe and productive job performance. This certification should be maintained by the employee and should not be provided to the college, except upon request. If the physician or pharmacist suggests work restrictions, those restrictions must immediately be made known to the college.

Scope: This policy applies to all employees.

Responsibilities: The college has implemented circumstances for drug and/or alcohol tests: (1) reasonable suspicion testing, (2) return-to-duty testing, and (3) follow-up testing.

Reasonable Suspicion Testing

When the college has reasonable suspicion to suspect drug or alcohol use in violation of this Policy, the College may require the employee(s) to submit to

drug and/or alcohol testing. Reasonable suspicion may exist in a variety of circumstances, including but not limited to: (1) where an employee manifests physical or behavioral symptoms or reactions commonly attributed to the use of drugs or alcohol, which could include appearance, conduct, speech, or odor, or (2) the college otherwise receives reliable information indicating that an employee or group of employees may be engaging in conduct that violates this Policy. Reasonable suspicion will be determined at the discretion of college administration.

Return-to-Duty Testing

When an employee is removed from duty for drug use and/or alcohol abuse, prior to being permitted to return to duty, the employee may be required to submit to return-to-duty drug and/or alcohol testing.

Follow-Up Testing

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol abuse and/or drug use, the employee may be required to submit to unannounced follow-up drug and/or alcohol testing.

Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the college will be grounds for termination of employment. A “refusal to test” is defined as any conduct that would obstruct the proper administration of a test. A delay in providing a urine or breath specimen may constitute a refusal. If an individual cannot provide a sufficient urine specimen or adequate breath, he or she will be evaluated by a physician of the college’s choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either urine or breath), the individual will be considered to have refused to test.

Reporting Violations

Each employee is required to immediately report any violation of this Policy to the Sr. Director of Human Resources. An employee who fails to report such a violation is subject to disciplinary action, up to and including discharge. Employees must notify the Sr. Director of Human Resources and Title IX Coordinator within five (5) days of any conviction for violation of a criminal drug statute, where the violation involved conduct in the workplace.

Inspection of Work Areas, Possessions, and Vehicles

Where the college has reason to believe that an employee is in violation of this Policy, he or she may be asked to submit immediately to a search of his or her person and/or to make his or her work areas, lunch box, briefcase, purse, packages, personal belongings, desk, vehicles, or any other receptacle he or she uses or has access to, available for inspection. Such search or inspection typically will be conducted in the presence of at least one witness other than the college representative performing the search or inspection. Entry onto college property (including parking lots) constitutes consent to search and inspection. Refusal to

consent to search or inspection shall be considered grounds for which an employee may be disciplined, up to and including termination of employment.

Voluntary Disclosure and Assistance

The college recognizes that alcohol or drug dependence can be a significant personal problem and that employees should be encouraged to come forward voluntarily to overcome such problems. Employees who want to obtain professional assistance in dealing with dependence problems may voluntarily inform Human Resources that a rehabilitation or treatment program will be undertaken. The college will cooperate with such treatment efforts.

Such requests for voluntary assistance must be made prior to any known violation of this Policy and before the college has initiated an investigation or selected the employee for a drug or alcohol test. Any employee who fails or refuses a drug or alcohol test or has otherwise committed a known violation of this Policy, will not be excused from such violations by expressing a willingness to participate in rehabilitation or treatment. All such requests must be made voluntarily and prior to investigation under this Policy.

The employee participating in a rehabilitation or treatment program must comply with all requirements of the program, provide certification of completion to the college, and test negative on an initial, and any subsequent follow-up tests. Following such a treatment program, follow-up testing may be conducted for up to one year at the discretion of the college.

Definitions:

Under the influence means that the employee is affected by alcohol or drugs or the combination of both in any detectable manner. This may be established by professional opinion, a scientifically valid test, or, in some cases, by observation of impairment of physical or mental ability, such as slurring of speech, difficulty in maintaining balance, etc. With respect to alcohol, an employee is under the influence if the employee's blood alcohol level is 0.04 or greater. Normally, any positive test for illegal drugs or controlled substances will serve to establish that the employee is "under the influence." However, with respect to medical marijuana, an employee is under the influence if there is an observation of impairment of physical or mental ability coupled with a scientifically valid test deemed positive.

Date Approved/Revised: February 4, 2022