

**POLICY OF THE BOARD OF TRUSTEES
OF
MAYLAND COMMUNITY COLLEGE**

TITLE: DRUG AND ALCOHOL

TYPE: PERSONNEL

POLICY NO: 4.018

Policy Adopted: September 10, 1990

EFFECTIVE DATE: 11-08-99

AMENDED DATE: 8-8-94,11-14-94,11-8-99

William E. Arrowood
Chairman

AUTHORITY: Public Law 100-690 & 101-226

I. Drug-Free Campus

The use of alcoholic beverages or controlled substances (except under prescription by a licensed physician) on the property of Mayland Community College is prohibited.

A. Purpose

This policy is created to comply with the Drug-Free School and Communities Act Amendments of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 100-690), to prevent the illicit use of drugs and the abuse of alcohol by students, faculty and staff, and to set forth standards to provide a community setting that is safe, healthy and productive for students, faculty and staff of Mayland Community College.

B. Regulation

1. Unlawful possession, use, production, distribution, or sale of alcohol or controlled substances by any student, faculty or staff member is prohibited on College property or as part of College activities.
2. The College reserves the right to require an individual to undergo a medical examination by a physician or health professional chosen by the College whenever there is a question of the individual's fitness to attend classes and/or work, or where there is a reasonable basis for concern that an individual's condition could pose health or safety hazards for other persons.
3. It is a condition of employment that each employee of the College abides by the terms of this policy.
4. Any student, faculty or staff member violating this policy will be subject to appropriate College disciplinary procedures, up to and including expulsion or termination of employment.
5. Violation of this policy may also lead to referral for prosecution to the appropriate local, state and/or federal authorities. Faculty or staff who are convicted of any criminal alcohol or drug statute violation occurring in the workplace must notify the Personnel Services Office within five (5) calendar days of the conviction if they are employed by the College at the time of the conviction.

C. Awareness Program

The College maintains a drug-free awareness program, utilizing available media and human resources to inform students and employees of:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of controlled substances and alcohol by students or employees on its property or as part of its activities;
2. A description of the applicable legal sanctions under local, state or federal law for the unlawful possession, use or distribution of controlled substances or alcohol;
3. A description of the health risks associated with the use of controlled substances and the abuse of alcohol;
4. A description of any drug or alcohol counseling, treatment, rehabilitation or re-entry programs that are available; and
5. A clear statement that the institution will impose sanctions on students or employees consistent with applicable laws, and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct contained in this policy.

D. Distribution

1. The College shall provide a copy of this policy to all existing and future full and part-time employees.
2. Full and part-time employees at all locations shall sign a statement of policy receipt (incorporated herein as Annex A), acknowledging that they have received, read and understood the policy. The statement of receipt shall specify that, as a condition of employment, the employee will:
 - a. Abide by the terms and provisions of the policy; and
 - b. Notify the Personnel Services Office within five (5) calendar days after any conviction for such a violation occurring in the workplace.
3. The signed statement of policy receipt shall become a part of the employee's personnel file and shall be kept in perpetuity in the Personnel Services Office.
4. The College shall publish a copy of this policy in the College Catalog and Student Handbook annually.

E. Agency Notification

Upon notification of any criminal drug or alcohol statute conviction for a violation of this policy occurring in the workplace, the Personnel Services Office shall notify the U.S. Department of Education or other appropriate agency within ten (10) calendar days.

F. Disciplinary Action

Upon notification of an employee's conviction, the President of the College shall notify the Board of Trustees at their next regular meeting. In its discretion, the Board may:

1. Take appropriate personnel action against the offending employee, up to and including termination of employment, in accordance with the provisions set forth in the Cessation of Employment Policy; or

2. Require the employee to satisfactorily complete a drug abuse rehabilitation or assistance program, approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency. If the employee fails to satisfactorily participate in such a program, the employee shall be non-renewed, or his/her employment may be suspended or terminated at the discretion of the Board in accordance with the Cessation of Employment Policy.

II. Definitions

The following definitions shall apply throughout this policy:

- A. "Alcohol" means any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor, and as further defined by the State Alcoholic Beverage Code.
- B. "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through VI of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812), as defined by regulation at 21 CFR 1300.11 through 1300.16, and as further defined by the North Carolina General Statutes in NCGS 90-89 through 90-94, as amended from time to time.
- C. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal criminal alcohol or drug statutes.
- D. "Criminal drug or alcohol statute" means a criminal statute involving the manufacture, distribution, dispensation, use or possession of alcohol or any controlled substance.
- E. "Drug" means a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or substances (other than food) intended to affect the structure or any function of the body of man or other animals.

**MAYLAND COMMUNITY COLLEGE
EMPLOYEE STATEMENT OF POLICY RECEIPT
DRUGS AND ALCOHOL POLICY**

I, _____, an employee of Mayland Community College, hereby certify that I have received a copy of the College's policy regarding the maintenance of a drug-free workplace.

I realize that the unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance is prohibited on this College's premises and violation of this policy can subject me to disciplinary action up to and including termination of employment. I realize that as a condition of employment, I must abide by the terms of this policy and will notify the Personnel Services Office of any criminal drug or alcohol conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.

I further realize that federal law mandates that the College communicate this conviction to the appropriate federal agency, and I hereby waive any and all claims that may arise from the conveyance of this information to the federal agency.

Signature

Date