

I. Purpose

The purpose of this policy is 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.

II. Drug-Free Workplace Act

Effective 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 is applicable to Pellissippi State because the institution:

- A. 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, and/or
- B. receives a federal grant. The Act imposes no monetary minimum on the grants to which it applies.

III. Drug-Free Schools and Communities Act

Effective October 1, 1990, the Drug-Free Schools and Communities Act provides that in order to receive federal financial assistance of any kind, Pellissippi State Community College 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". Pellissippi State's program provides that all students and employees receive annually a written statement covering (1) standards of conduct concerning drugs and alcohol; (2) legal sanctions; (3) health risks; (4) available counseling and treatment programs; and (5) disciplinary sanctions that the institution will impose on students and employees. Every two (2) years Pellissippi State 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 relate only to employees involved in work under federal grants or contracts and cover illegal drugs only, not alcohol. The rules under the Drug-Free Schools and Communities Act are broad in scope, covering drugs and alcohol, students and employees. Pellissippi State is covered by the Act as long as it receives any federal funds.

IV. Policy

The unlawful manufacture, distribution, possession, use or abuse of alcohol and/or illicit drugs on the Pellissippi State Community College campus, on property owned or controlled by the College, or as part of any activity of the College is strictly prohibited. All categories of employees and students are subject to this policy and to related federal, state, and local laws. Additionally, any violation of this policy will result in disciplinary actions as set forth in the applicable sections of this policy.

V. Implementing Guidelines

Appendix A provides the guidelines for implementation of the "Drug-Free Workplace Act of 1988". Appendix B provides the guidelines for implementation of the "Drug-Free Schools and Communities Act Amendments of 1989".

VI. Good Faith Effort

Pellissippi State is 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 Pellissippi State Community College.

Approved: Executive Council, March 4, 1991

Editorial Changes, May 3, 1993

Approved: President Allen G. Edwards, February 11, 1998

Approved: President Allen G. Edwards, January 24, 2005

Editorial Changes, July 2008, July 1, 2009

Attachment I

GUIDELINES FOR IMPLEMENTATION OF "DRUG-FREE WORKPLACE ACT OF 1988"

The effective date for implementation of the Drug-Free Workplace Act of 1988 at Pellissippi State Community College is March 18, 1989.

Penalty for Non-Compliance by the College

The failure of Pellissippi State 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 Pellissippi State may 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 (5) years.

Notice to Employees

All faculty and staff as well as employees specifically involved in the performance of federal contracts and/or grants will be given the following written notice:

- A. Compliance with the provisions of this policy and the Drug-Free Workplace Act of 1988 is a condition of employment at Pellissippi State and a condition of employment under the federal contracts and grants administered by this college.
- B. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances is prohibited on campus at Pellissippi State Community College and at off-campus facilities operated or occupied by entities of the College.
- C. Faculty and staff employees are required to notify the Human Resources office of any drug convictions for a violation in the workplace no later than five (5) days after such conviction.

In addition to the written notice to faculty and staff this notice will 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 will also be given to all new employees as a part of the employment process.

Definitions

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 of Pellissippi State.

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

Workplace. Workplace for purposes of this policy is defined as the buildings and grounds encompassing Pellissippi State Community College buildings, grounds, facilities, and vehicles operated or occupied by entities of the College.

Drug-Free Awareness Program. The College Drug-Free Awareness Program will be established and maintained by the College Human Resources office, Student Life office and Student Development Center with assistance from the management and supervisory staff of all organizational levels of the College. The objectives of the program will be to inform employees of:

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

Information about the College's policy of maintaining a Drug-Free environment. The official policy is published in the College's Policies and Procedures Manual, and the Adjunct Faculty Handbook. Information on this policy will also be published periodically in other college publications. The policy will also be discussed periodically at faculty and staff meetings and will be included in the orientation of all new employees.

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 employee of the College.

The availability of drug counseling and professional drug rehabilitation program.

College programs: The College Human Resources office, Student Life office and Student Development Center provide 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. These offices will also coordinate the administration of the College Drug-Free Awareness Program.

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 Green Spring of Tennessee. The counseling services are voluntary and strictly confidential. The services are free of charge for regular employees and their immediate family. Appointments for counseling are made by calling 1-800-867-6811. Practitioners available through the EAP are located in Knoxville.

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 an employee or otherwise of an employee's criminal drug statute conviction for conduct in the workplace.

Penalties and Sanctions

Appropriate disciplinary action will be taken in all cases in which 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 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, employees who are convicted of violations of the Drug-Free Workplace Act should not expect continued employment at the College. Penalties and/or sanctions include any one or combination of the following:

1. Recommendation for professional counseling
2. Letter of warning/admonition
3. Letter of probation
4. Mandatory participation in an organized drug treatment/rehabilitation program and satisfactory completion of program
5. Suspension
6. Termination
7. Referral for prosecution
8. Other appropriate disciplinary action

Attachment II

GUIDELINES FOR IMPLEMENTATION OF THE "DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENTS OF 1989"

The following guidelines are established in compliance with the Drug-Free Schools and Communities Act Amendments of 1989. The effective date for implementation of the Drug-Free Schools and Communities Act Amendments of 1989 at Pellissippi State Community College is October 1, 1990.

Penalty for Non-Compliance by the College

The failure of Pellissippi State 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 Pellissippi State may 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 (5) years.

Standards of Conduct

Pellissippi 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 or alcohol on the college campus, at off-campus facilities owned or controlled by the College, or as part of college-sponsored activities. All categories of employees and students are subject to this policy and to related federal, state, and local laws.

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, 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 (2) 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. S39-12-417)

It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of this employment), or consume alcoholic beverages, wine, or beer. Such offenses being classified as Class A misdemeanors are 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 twenty-one (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)

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 as 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 organ damage; impairment of brain activity, digestion, and circulation; impairment of psychological 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.

Drug and Alcohol Counseling, Treatment, and Rehabilitation Programs:

College Programs: The College Human Resources office, Student Life office and Student Development Center provide 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.

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 Green Spring of Tennessee. The counseling services are voluntary and strictly confidential. The services are free of charge for regular employees and their immediate family. Appointments for counseling are made by calling 1-800-867-6811. Practitioners available through the EAP are available in Knoxville.

Penalties and Sanctions

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

Employees

Any alleged violation of the Act as implemented by this policy by an employee of the College will be reported to the president through appropriate administrative channels. 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, employees determined to be in violation of the provisions of this Policy should not expect continued employment at this college. Penalties and/or sanctions include any one or a combination of the following:

1. Recommendation for professional counseling
2. Letter of warning/admonition
3. Letter of probation
4. Mandatory participation in an organized drug treatment/ rehabilitation program and satisfactory completion of program
5. Suspension
6. Referral for prosecution
7. Termination
8. Other appropriate disciplinary action

Students

Any alleged violation of the Act as implemented by this policy by a student of the College will be reported to the Vice-President of Student Success and Enrollment Management and the Vice President of Learning. 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. Possible disciplinary sanctions for failure to comply with the provisions of this policy may include one or a combination of the following:

1. Probation
2. Mandatory participation in, and satisfactory completion of a drug/ alcohol abuse program, or rehabilitation program
3. Suspension
4. Referral for prosecution
5. Expulsion
6. Warning
7. Reprimand
8. Other appropriate disciplinary action

Notification to Employees and Students

All employees and students (regardless of the length of the program of study) will 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 notification was made on or before September 4, 1990.

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 will be conducted under the supervision of the director of Human Resources and the Vice-President of Student Success and Enrollment Management. The purpose of the review is to determine the effectiveness of the program, to implement changes as needed, and to ensure that the penalties and sanctions are being enforced consistently. The initial review was conducted in June 1992 with subsequent reviews being conducted every other year thereafter.

Drug Prevention Program Certification

This certification, as required by the Drug-Free Schools and Communities Act Amendments of 1989, was submitted to the Secretary of the U.S. Department of Education before October 1, 1990 in order for Pellissippi State to remain eligible to receive funds or another form of financial assistance under any federal program. This one-time certification was signed by the President of the College and submitted before September 4, 1990.