

I. Purpose

The purpose of this policy is to establish guidelines and standards for the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

II. Policy

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. Additionally, any violation of this policy will result in disciplinary actions up to and including termination or expulsion.

- A. Appropriate action will be taken in all cases in which employees or students are determined to be in violation of this policy.
- B. 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 this policy.
- C. In addition to the written notice to faculty, staff, and students, this notice will also be published periodically in the college media, discussed periodically at staff meetings, and included in the orientation of all categories of new employees and students. Written notice will also be given to all new employees as a part of the employment process.
- D. Each employee is required by law to inform the College within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the job. A conviction means finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
- E. Alternatively, the College may require the employee or student to successfully finish a drug abuse program.

III. Statement of Compliance

Pellissippi State maintains a Drug-Free campus and workplace by following the steps enumerated in this policy.

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
Reviewed/Recommended: President's Staff, September 7, 2010
Approved: President Allen G. Edwards, September 7, 2010

Attachment GUIDELINES FOR IMPLEMENTATION OF THE "DRUG FREE WORKPLACE ACT OF 1988 AND THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENTS OF 1989"

The following guidelines were established in compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and 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. § 39-17-417. (21 U.S.C. S801, et. seq.; T.C.A. § 39-12-417)

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. § 1-3-113, 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. (§ 39-15-404). 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 § 39-17-310)

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, 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 Student Counseling office provides confidential counseling to students on drug and alcohol related problems. This service is furnished at no cost to students. 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 student or student's insurance carrier.

Employee Assistance Program (EAP): Insurance eligible 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. The counseling services are voluntary and strictly confidential. The service provides up to six counseling sessions without charge. Brochures are available in Human Resources.

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.

Any alleged violation of the Act as implemented by this policy 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 or expulsion based upon the circumstances and nature of the offense; however, individuals determined to be in violation of the provisions of this policy should not expect continued employment or enrollment at the College. Penalties and/or sanctions include any one or a combination of the following:

1. Recommendation for professional counseling
2. Warning/
3. Reprimand
4. Probation
5. Mandatory participation in, and satisfactory completion of, a drug/alcohol abuse or rehabilitation program
6. Suspension
7. Referral for prosecution
8. Termination/Expulsion
9. 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 Workplace and the Drug-Free Schools and Communities Act Amendments of 1989 as implemented by this policy.

Review of Illicit Drug and Alcohol Program

A biennial review of the program will be conducted under the supervision of the director of Human Resources and Affirmative Action 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.

Drug Prevention Program Certification

This certification was submitted to the Secretary of the U.S. Department of Education before October 1, 1990 in order for Mississippi 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.