

## **Policy 19.14 Policy Governing the Use of Alcohol and Other Drugs**

### **Purpose**

John Tyler Community College (JTCC) is dedicated to providing a safe, healthy environment for students, employees and visitors. This includes ensuring the college is a drug-and-alcohol-free zone.

JTCC supports the Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Sec. 5151 et. seq.) and the Drug-Free Schools and Communities Act amendments of 1989 (Public Law 101-226).

The College believes that it has a responsibility to create, enforce, and constantly monitor an institutional policy on substance abuse prevention and that all students, faculty, and staff are expected to know and adhere to this policy.

### **Definitions**

**Alcohol:** any product as defined in the Code of Virginia, Title 4.1, Chapter 1-100, The Alcohol Control Act, as amended.

**Controlled drug:** any substance defined as such in the Code of Virginia, Title 54.1, Chapter 34, The Drug Control Act, as amended, and whose manufacture, distribution, dispensation, use, or possession is controlled by law.

**Conviction:** a finding of guilt (including a plea of guilty or nolo contendere) or imposition of sentence or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug laws, alcohol beverage control laws, or laws that govern driving while intoxicated.

**Criminal drug law:** any criminal law governing the manufacture, distribution, dispensation, use or possession of any controlled drug.

**Student:** A person who has applied to, been accepted, and registered/enrolled at the College

**Employee:** administrative faculty, professional faculty, teaching faculty, classified and non-classified, full-time and part-time, salaried and hourly persons, and any and all other individuals, except independent contractors, employed by the college.

**Third Parties:** Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors, or visitors.

## John Tyler Community College Policies and Procedures

Employee Assistance Program (EAP): a confidential assessment, referral, and short-term problem-solving service available to eligible employees and family members. Enrollment in the EAP is automatic as part of the Commonwealth's health care coverage. The EAP helps participants deal with problems affecting personnel and work life, such as conflicts within the family and workplace; personal and emotional concerns; alcohol and substance abuse, financial and legal problems, elder and childcare; and career concerns and other challenges.

Other Drug: any substance other than alcohol that may be taken into the body and may impair mental faculties and/or physical performance.

Workplace/Campus: Any location, on or off campus, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations (other than an individual's home when telecommuting), and travel to and from work assignments. On or off campus includes, but is not limited to attending a college-sponsored off-campus event, or while serving as a representative of the college at off-campus meetings, events, field placements, internships or clinical placements

### **Policy**

The unlawful and unauthorized use of alcohol or other drugs on college property is prohibited. Any student or employee of JTCC shall not unlawfully possess, sell, use, manufacture, give away, or otherwise distribute controlled substances, or other drugs, or where prohibited, alcohol while on campus, attending a college-sponsored off-campus event, or while serving as a representative of the college at off-campus meetings, events, field placements, internships or clinical placements. Students or employees who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city or county government for investigation and, if warranted, prosecution.

It is the responsibility of every member of the JTCC community to know the risks associated with substance use or abuse. This responsibility requires students and employees to be aware of the relevant college policies and federal, state and local laws and to conduct themselves in accordance with these laws and policies. In support of this requirement JTCC publishes information regarding college policies and sanctions, laws and penalties concerning substance use and abuse, health and behavioral risks of drug abuse and resources for substance issues.

This policy applies to all campuses, all college-owned or leased facilities, all college-sponsored off-campus events, meetings, field placements, internships or clinical placements.

### **Violations**

Each of the following constitutes a violation of this policy:

## John Tyler Community College Policies and Procedures

### **For employees;**

- A. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace;
- B. Impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes;
- C. A criminal conviction for a:
  - 1. Violation of a criminal drug law, based upon conduct occurring either on or off the workplace; or
  - 2. Violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace.
- D. An employee's failure to report to his or her supervisor the employee's conviction of any offense, as required in this policy under employee responsibilities.

### **For students;**

- A. The unlawful or unauthorized manufacture, distribution, selling, giving away, purchase, possession, or consumption or use of alcohol or other drugs while on campus, attending a college-sponsored off campus event or while serving as a representative of the college at off campus meetings, events, field placements, internships or clinical placements.
- B. Impairment from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes while on campus, attending a college-sponsored off campus event or while serving as a representative of the college at off campus meetings, events, field placements, internships or clinical placements.

### **Disciplinary Action**

Students who violate the Alcohol and Drug Policy will be subject to disciplinary action as outlined in the 19 19.11 Student Conduct Code Policy, 19 19.12 Student Disciplinary Policies and Procedures Policy and 3 3.19 Workplace Violence and Threat Assessment Team Policy. Students found responsible for violations shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city or county government for investigation and, if warranted, prosecution. Students found responsible may also be suspended or dismissed from the College.

College Employees who violate the Alcohol and Drug Policy are subject to disciplinary action as outlined in the DHRM Policy and Procedures Manual, Policy 1.05 and 3 3.19 Workplace Violence and Threat Assessment Team Policy. Employees found responsible for violations shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city or county government for investigation and, if warranted, prosecution. Employees may also face suspension without pay or termination of employment.

## John Tyler Community College Policies and Procedures

Employees may be subject to a referral to the Employee Assistance Program or treatment program at the discretion of management and Human Resources. See DHRM Policy 1.05 for additional requirements.

### College Responsibilities

- The college shall provide annual notification to students and employees of this policy, in addition to information on the health risks associated with alcohol and other drug use and a description of available treatment programs. Full-time employees shall also be made aware of the Employee Assistance Program (EAP).
- The college shall conduct a biennial review of the effectiveness of its alcohol and other drugs programs and the consistency of sanction enforcement.
- The college shall ensure that disciplinary action taken as a result of a violation of this policy are consistent, fairly applied and not unduly harsh or punitive based on the severity and nature of the violation.
- The college shall inform the federal contracting or granting agency within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring at the workplace or otherwise receiving actual notice of such conviction, as required by the Drug-Free Workplace Act of 1988.
- The college shall, within thirty (30) days of receiving notice of an employee's conviction for a criminal drug statute offense occurring in the workplace (see workplace definition), take appropriate disciplinary action against such employee and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program as required by the Drug-Free Workplace Act of 1988.

### Student Responsibilities

- Complete online annual alcohol and drug abuse prevention training provided by the College.
- Abide by the College policies outlined in the JTCC College Catalog and Student Handbook.

### Employee Responsibilities

- Abide by the [Department of Human Resource Management \(DHRM\) policy 1.05](#), Alcohol and other Drugs.
- Abide by the terms of college policy.

## John Tyler Community College Policies and Procedures

- Notify the immediate supervisor of any conviction of criminal drug law outside or inside the workplace or conviction of alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace no later than five (5) days after such conviction is entered as required by federal law. An employee's appeal of a conviction does not affect the employee's obligation to report the conviction.
- Complete online annual alcohol and drug abuse prevention training provided by the College.

### Treatment/Rehabilitation Programs

- **For employees:**  
Employees experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling assistance. Supervisors are encouraged to assist employees seeking such assistance. Notwithstanding an employee's voluntary participation in a drug or alcohol treatment program, the employee is expected to perform his/her duties according to developed job standards and expectations.

The Commonwealth's Employee Assistance Program (EAP) is available to full-time state employees (who participate in the Commonwealth's healthcare program) for counseling and referral for drug and alcohol-related problems as well as other personal problems. Part-time college employees shall be referred to community resource programs.

With respect to any violation of this policy, the following provisions regarding treatment apply:

- Supervisors should consult with the Vice President of Administration prior to referring a college employee to the Employee Assistance Program
  - Management is encouraged to consult with the Vice President of Administration in determining whether a college employee referred to the Employee Assistance or other Program has satisfactorily participated in the program.
  - Other agencies such as the Virginia Department of Behavioral Health and Developmental Services and the Virginia Department of Health, may be contacted to provide assistance and referral information.
- **For students:**  
Students experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling and may contact the Dean of Students Office for a referral to community resources.

## Legal Penalties

Use of illicit drugs is illegal under both [state](#) and [federal](#) statutes. Use of alcohol by persons under 21 years of age is illegal under state law. Students and employees who violate this policy shall have college charges processed against them in the normal manner of due process provided by college rules.

Further, students and employees who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city government for investigation and, if warranted, prosecution.

## Confidentiality and Maintenance of Records

All records and information concerning human resource actions related to this policy shall remain confidential and shall be disclosed only with the employee's permission or when the office of human resources and the supervisor determines that disclosure is necessary for the efficient operation of the college or for reasons related to safety, to include the safety of the employee and/or the college community.

All student records and information concerning actions related to this policy are housed in the Dean of Student's Office.

## Resources and Other Information:

- Department of Human Resource Management (DHRM) Policy 1.05, Alcohol and Other Drugs [http://web1.dhrm.virginia.gov/itech/hrpolicy/pol1\\_05.html](http://web1.dhrm.virginia.gov/itech/hrpolicy/pol1_05.html)
- Virginia Community College System (VCCS) Policy 3.14.3, Illegal Substance Policy and Policy 3.14.4, Substance Abuse Policy <https://www.boarddocs.com/va/vccs/Board.nsf/Public#>
- Commonwealth of Virginia Employee Assistance Programs (EAP) <http://www.dhrm.virginia.gov/employeeprograms/employeeassistance>
- Federal and State Drug Offense Sanctions and Penalties, <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>, <https://law.lis.virginia.gov/vacode/title4.1/chapter3/section4.1-305/>
- Treatment Locator, AOD (SAMHSA), <https://www.findtreatment.samhsa.gov/>
- Governor's Office for Substance Abuse Prevention, <https://www.abc.virginia.gov/education/programs/vosap>
- US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, [www.samhsa.gov/](http://www.samhsa.gov/)
- University of Virginia Gordie Center for Substance Abuse Prevention, <https://gordiecenter.studenthealth.virginia.edu/>

## John Tyler Community College Policies and Procedures

- Virginia Department of Behavioral Health and Developmental Services, Office of Substance Abuse Services, <http://dbhds.virginia.gov/developmental-services/substance-abuse-services> Community Services Boards, <http://www.dbhds.virginia.gov/community-services-boards-csbs>
- The Foundation for Advancing Alcohol Responsibility, [www.responsibility.org](http://www.responsibility.org)
- BACCHUS Initiatives; [www.naspa.org/constituent-groups/groups/bacchus-initiatives](http://www.naspa.org/constituent-groups/groups/bacchus-initiatives)
- Step Up! [www.stepupprogram](http://www.stepupprogram)
- National Institute on Alcohol Abuse and Alcoholism, [www.niaaa.nih.gov](http://www.niaaa.nih.gov)
- Higher Education Alcohol and Drug Strategic United Prevention (HEADS UP), <https://www.abc.virginia.gov/education/programs/heads-up>
- College Drinking, Changing the Culture, <https://www.collegedrinkingprevention.gov>
- Students Against Destructive Decisions (SADD), <https://www.sadd.org>
- National Institute, Alcohol Abuse & Alcoholism (NIAAA), <https://niaaa.nih.gov>
- American College Health Association, [www.acha.org](http://www.acha.org)
- National Institute on Drug Abuse (NIDA), <https://www.drugabuse.gov>
- American Council for Drug Education, [www.campushealthandsafety.org/resources/resource\\_rws\\_154.html](http://www.campushealthandsafety.org/resources/resource_rws_154.html)

### **Tobacco specific information:**

- American Cancer Society, [www.cancer.org](http://www.cancer.org)
- American Heart Association, [www.heart.org](http://www.heart.org)
- American Lung Association, [www.lung.org](http://www.lung.org)
- Foundation for Smoke-Free America, <http://www.anti-smoking.org/>
- Smoke-Free, <https://www.smokefreeonline.com>