

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-2156**

SUBJECT: Drug and Alcohol Policy

REFERENCE: This policy is written to meet requirements of the Anti-Drug Abuse Act of 1988, the Drug Free Workplace Act of 1988, and in compliance with requirements of the 1989 amendments to the *Drug-Free Schools and Communities Act*, as articulated in the *Education Department General Administrative Regulations (EDGAR) Part 86* (the Drug-Free Schools and Campuses Regulations). Part 86 pertains to “Drug and Alcohol Abuse Prevention.” These regulations can be reviewed in the Federal Register, Vol. 55, No. 159, Aug. 16, 1990, pp. 33580-33601, or online. <https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>; SCP-1010, *Use of Alcoholic Beverages on Campus*.

ORIGINATION: March 31, 1989

EFFECTIVE: November 19, 2017

REVIEWED: June 7, 2017

SECTION 1. PURPOSE

1.1 Southern West Virginia Community and Technical College recognizes the importance of a safe, efficient and healthy work and educational environment. Being under the influence of any illegal drug or alcohol on campus or at college-sponsored functions poses serious risks to a person’s health and safety, and jeopardizes public trust that has been placed in the institution. In recognition of the serious effects of alcohol and drug abuse on the safety and performance of students and employees, this policy provides standards of conduct and clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities. This policy certifies that as an employer who contracts and receives funding from federal agencies, Southern West Virginia Community and Technical College will meet requirements of the law for providing a “drug-free workplace.”

SECTION 2. SCOPE AND APPLICABILITY

2.1 Southern recognizes its employees and students as adults and expects them to obey the law and to take personal responsibility for their conduct. This policy applies to the college community, including faculty, staff, administrators, students, and visitors to the campuses, including contractors, subcontractor, volunteers and service providers.

SECTION 3. DEFINITIONS

3.1 **Illegal Drugs** – Controlled substances defined by any state or federal regulatory body authorized to designate substances as such.

3.2 **Conviction** – A finding of guilt (including a plea or nolo contendere), or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

- 3.3 Contractor – Any department, division, unit, or any person responsible for the performance of work under a contract.

SECTION 4. POLICY

- 4.1 Southern West Virginia Community and Technical College will maintain a workplace free of the illegal use of drugs. The unlawful manufacture, distribution, sale, dispensing, possession, or use of illegal drugs, the abuse or improper use of prescribed drugs, and the use of alcohol on Southern West Virginia Community and Technical College property or as a part of any college-sponsored function is prohibited. Reporting to work, class, or any college-sponsored or non-sponsored event and/or function at any college facility or campus under the influence of alcohol or illegal drugs by any person are prohibited.
- 4.2 Legally prescribed medications taken properly are excluded from prohibition and permitted only to the extent that such medications do not adversely affect any person's work ability, job performance, classroom performance, or the safety of others or themselves.
- 4.3 Any person who violates the policy shall be subject to disciplinary action. When reasonable suspicion exists that an independent contractor, volunteer, student, or an employee has reported to work or class under the influence of alcohol, illegal drugs, or is impaired due to abuse or misuse of controlled substances or prescribed medications, the individual may be subject to assessment and disciplinary action, or termination of the service agreement. The College will impose disciplinary sanctions on students and employees consistent with institutional policies, and local, state, or federal laws for violation of the standards of conduct outlined above. All persons should be aware that violations could result in expulsion from school, termination of employment, or referral for prosecution. Sanctions may include, but are not limited to a requirement that the person participate in a drug abuse assistance or rehabilitation program. College sanctions will be imposed consistent with procedures used in disciplinary actions for students and employees.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 None.

SECTION 6. GENERAL PROVISIONS

- 6.1 Criminal Sanctions:
- 6.1.1 Federal Trafficking Penalties include substantial fines and imprisonment up to life. For the most recent and complete Federal Trafficking Penalties information, visit the Web site of the U. S. Drug Enforcement Administration at: <https://www.dea.gov/druginfo/ftp3.shtml>.
- 6.1.2 West Virginia Law provides penalties dependent upon the classification of the controlled substance, the particular activity involved, and whether multiple convictions are involved. West Virginia Code §60A-4-401 contains penalties for prohibited acts involving scheduled substances. For the most recent and complete West Virginia penalties for prohibited acts involving controlled substances, visit the web site of the West Virginia Legislature at: <http://www.legis.state.wv.us/WVCODE/Code.cfm>.
- 6.2 Dangers of Drug Abuse in the Workplace and Health Risks:
- 6.2.1 Substance abuse and drug dependency are problems of staggering proportions in our society today. They are the leading causes of preventable illness, disability, and death in the United States. Alcohol/chemical dependency is a disease that affects not only individuals, but every component of

the family system, workplace, and the community. Chemical abuse not only includes alcohol and illegal drugs, but also prescription drugs such as tranquilizers, pain killers, sleeping pills, etc.

6.2.2 Drug Abuse in the Workplace: The law requires the institution to make employees aware of the danger of drugs in the workplace.

6.2.2.1 Drugs can make an individual feel able to handle tasks that are too much or too dangerous for him/her. They make one careless and likely to forget important safety steps. They may alter one's sense of time, space, and distance which may result in increased occurrence of accidents at work.

6.2.2.2 Drugs can cause lateness and absenteeism, increasing the workload of others.

6.2.2.3 Drugs can cause crime on the job, including theft of employees personal belongings.

6.2.2.4 Drugs can cause major error in the work performed, risking harm to our students, customers, and in violation of the public trust.

6.2.3 Individual Health Risks:

6.2.3.1 Alcoholism and other drug dependencies are diseases with identifiable symptoms. These symptoms include changes in alcohol/drug tolerance, blackouts (permanent, chemically induced memory loss), denial (refusal to admit that chemical use is a problem), mood swings, behavior changes, and loss of control (inability to stop and/or limit chemical consumption). The disease injures the person economically, socially, physically, psychologically, and spiritually; relationships break down, work performance is impaired, depression often occurs, and behavior often goes against values.

6.2.3.2 Persons who suffer from chemical dependency are victims of a progressive, fatal disease. Alcoholism/addiction affects people of all ages, economic levels, and races. The National Institute on Drug Abuse reports that 97 percent of chemically-dependent people have responsible jobs, a home, and a family.

6.2.3.3 Alcoholism is a disorder that has profound psychological and biological patterns:

6.2.3.3.1 Regular daily intoxication,

6.2.3.3.2 Drinking large amounts of alcohol at specific times, and

6.2.3.3.3 Periods of sobriety interspersed with periods of heavy daily drinking.

6.2.3.3.4 The course of the disorder is usually progressive and physical dependence can develop. If this happens, serious symptoms, sometimes life threatening, can develop when alcohol is withdrawn.

6.2.3.3.5 Short term effects of alcohol use can include depression, gastritis, liver disease, automobile accidents, and domestic violence.

6.2.3.3.6 Chronic alcohol abuse can produce irreversible changes, including dementia, sexual impotence, cirrhosis of the liver, and heart disease.

6.2.3.3.7 Death can occur either as a complication of one of these chronic problems, or acutely, secondary to alcohol intoxication by poisoning or aspiration of vomits, or as the result of an automobile accident while driving intoxicated.

6.2.3.4 Impact on Family/Friends

6.2.3.4.1 Families are gravely affected by a chemical abusing member. Some of the effects on the family include: feelings of insecurity, guilt, fear, isolation, anger, and resentment. As the chemically dependent person's disease progresses, the effects on the family worsen. As a very direct, physiological consequence, the infants of alcohol and cocaine abusing mothers often have low birth weight and may suffer from malformations and a variety of developmental problems. Children are often the most vulnerable to the effects of chemical dependency. Growing up in families where their developmental needs do not get met, children may face a variety of problems; low self-esteem, inability to trust others, teenage pregnancy, and high risks for chemical use/abuse, dependency.

6.2.3.4.2 The lifestyle of the abuser often affects the economic well-being of their families due to their inability to hold down a job. In some cases, the abuser will steal from relatives, which reduces the family's financial means and stability. In many cases, substance abuse leads to violence at home.

6.2.3.4.3 Chemical dependency is treatable. With an understanding of the disease and its impact on lives, family members and friends can take steps to help reduce enabling behaviors. Very often, the family's intervention with the user and his or her problem is an essential step which encourages the abusing member to seek treatment. Support groups for family members, such as Al-Anon, as well as family therapy can provide needed assistance to families as they grapple with the destructive effects of the user's addiction.

6.2.4 Counseling and Treatment Resources:

6.2.4.1 For students may obtain assistance and information concerning substance abuse and its treatment from the Student Services Specialist's office at each of the College's campuses.

6.2.4.2 Employees may obtain assistance and information from the Human Resources Office.

6.2.4.3 Southern West Virginia Community and Technical College, in providing any list of counseling, treatment, and rehabilitation programs, is in no way affiliated with these agencies. Southern cannot accept liability for any services, treatment, or counseling provided by these agencies or their employees or any acts of misfeasance, nonfeasance, or malfeasance by same. The individual and his/her parents or guardian should conduct checks or reviews of these agencies to determine if they will meet the needs of the individual.

SECTION 7. RESPONSIBILITIES

- 7.1 Because work sites provide day-to-day supervision for persons at the College, supervisors and unit administrators will be required to assume primary responsibility for the enforcement of this policy and to take appropriate personnel action.
- 7.2 As a condition of employment, College employees agree to abide by the terms of this policy and to notify the Director of Human Resources or designee of any criminal drug or alcohol related conviction for violation of a criminal drug or alcohol statute occurring in the workplace no later than five (5) days after the conviction.
- 7.3 After review of the reported incidents and determination of reporting requirements, the appropriate unit administrator will notify the federal granting agency within ten (10) days after receiving notice of a conviction from an employee or otherwise receiving actual notice of such conviction.
- 7.4 The Director of Human Resources is responsible for development and communication of drug and alcohol prevention programs for employees in compliance with the Drug Free Workplace Act of 1988, which includes:
 - 7.4.1 Distribution of this policy to each employee and collection of signed “Drug Awareness Certification Form.” The distribution may be in writing or electronically.
 - 7.4.2 Maintaining a copy of this policy in an accessible location and posting the policy on the institutional web site.
 - 7.4.3 Inclusion of a copy of this policy in every orientation packet for new employees.
- 7.5 The Vice President for Student Services or designee is responsible for development and communication of a drug and alcohol awareness program for students, in compliance with the Drug Free Schools and Communities Act, which includes:
 - 7.5.1 Annual distribution of this policy or information contained herein, to every student taking one or more classes for credit. The distribution may be accomplished by publication of this policy in electronic or printed format in the Student Handbook Section of the College Catalog, and/or the Schedule of Classes.
 - 7.5.2 The Department of Education recommends that the biennial review be conducted in even-numbered years, focusing on the two preceding academic years. Records used for review and report preparation will be retained for a period of three (3) years after the fiscal year in which the record was created. If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the records will be retained until completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.
 - 7.5.3 The Vice President for Finance and Administration or designee is responsible for ensuring that contractors, subcontractors, or volunteers for services paid by federal grants certify that they maintain a drug free workplace and that they commit to and comply with the terms and conditions of this policy.

SECTION 8. CANCELLATION

- 8.1 None.

SECTION 9. REVIEW STATEMENT

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

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Board of Governors Chair	Date
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President	Date

Attachments: SCP-2156.A, *Employee Drug Awareness Certification Form*

Distribution: Board of Governors (12 members)
www.southernwv.edu

Revision Notes: January and July 2007 – Policy revised to comply with federal regulations requiring inclusion of specifics on criminal sanctions and health risks. Other minor changes for clarity were also made.

July 2012 – Policy was reviewed for accuracy and minor modifications were made. Policy was reformatted and revisions reflect changes in position titles and web links.

June 2017 – Policy was reviewed and recommended changes were made. These changes include the reference of SCP-1010, Use of Alcoholic Beverages on Campus, updating employee titles in Sections 6 and 7, updating web links referenced in the policy, and including students and classroom performance in Section 4, along with clarification on prohibition of alcohol and illegal drugs on campuses for any event or any person.