

Drug-Free Workplace/Campus**EFFECTIVE DATE:** July 1, 1991**REVISION DATE:** November 4, 2020

OBJECTIVE: It is the policy of Clovis Community College to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988, Drug-Free Schools and Communities Act Amendments per the Department of Education, and the regulations promulgated pursuant thereto.

PURPOSE: These laws require the College to certify that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of Clovis Community College, including but not limited to its campus grounds, facilities, vehicles, or at any activity held on College premises. If any student or employee of the College violates this policy, that individual will be immediately referred to The Executive Vice President of Academic Affairs or his/her authorized representative, or the Chief Financial Officer or his/her authorized representative.

REVIEW: The program requires the College to make a good faith effort to continue to maintain a drug-free workplace and campus through implementation of this Policy. The program requires a biennial review by the institution by October 1st of even number years. The College will review its "Drug-Free Workplace/Campus Program" using the following guidelines:

- a. Determine its effectiveness and implement changes to the program if they are needed.
- b. Ensure that its disciplinary sanctions are consistently enforced.
- c. The Human Resource Services Office will report biennially in writing to the Board of Trustees.
- d. Annually inform each student and employee of the Drug-Free Workplace/Campus Policy.

DEFINITIONS: *Clovis Community College* hereafter referred to as "the College", means the College as it is administered through each of its departments, its off-campus centers and its associated activities.

Student is any person accepted for enrollment at Clovis Community College.

Employee is any person hired by Clovis Community College to work for wages or salary, including student employees.

RESPONSIBILITY: The President is responsible for the administration of the Drug-Free Workplace Policy and Drug-Free School/Campus Program. The policy requires the President to:

- a. Sign a certification of the College Drug-Free Workplace/Campus Program for all grants and contract proposals and agreements.

- b. Notify the appropriate federal contracting agency within ten days after receiving notice from an employee of a conviction on any criminal drug statute or of otherwise receiving actual notice of the conviction.

The Executive Vice President and the Chief Financial Officer are designated by the President to:

- a. Evaluate the effectiveness and propose changes in the Drug-Free Workplace/Campus policy.
- b. Report to the President concerning the development and implementation of the Drug-Free Workplace/Campus policy.
- c. Administer this program for students and employees.
- d. Certify this program for College grants and contracts.
- e. Ensure that the sanctions the college has developed are consistently enforced.
- f. Annually inform each student and employee of the Drug-Free Workplace/Campus policy.

The President's Council is designated, by the President, to oversee the development and implementation of the Drug-Free Workplace/Campus Program. Chief Financial Officer is delegated to assist the Council in this process.

DRUG-FREE WORKPLACE/CAMPUS PROGRAM POLICY/PROCEDURE

Clovis Community College established the following Drug-Free Workplace/Campus Program. Employees of the College are considered a valuable asset, and their health and welfare are of serious concern. The purpose of the program is to inform the College employees and students about:

- a. The dangers of drug abuse in the workplace.
- b. The College's policy for maintaining a drug-free campus environment.
- c. The information on available drug counseling, rehabilitation, or employee assistance programs.
- d. The appropriate disciplinary action and penalties that may be imposed for a drug abuse violation.

The program requires the Chief Financial Officer to provide each employee with a copy of the policy. The program requires each employee, as a condition of employment, to:

- a. Abide by the Board of Trustees' Drug-Free Workplace/Campus Policy.
- b. Notify the Director of Human Resource Services of any criminal drug statute conviction for a violation occurring on the College premises no later than five days after conviction.
- c. Acknowledgement of the Drug-Free Workplace/Campus Policy and programs.

The program requires annual distribution in writing to each employee and student (regardless of the length of the student's program of study) of:

- a. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees of its activities.
- b. A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
- c. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- d. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
- e. A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), 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. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

Reasonable suspicion drug testing: The employer has a legitimate reason, based on sound judgement and/or hard evidence, to believe that the employee has been using alcohol or drugs. Examples of reasonable suspicion might include but are not limited to:

- a. Direct observation of drug use and/or physical symptoms of drug use by the employee's actions, appearance, behavior, speech, or body odor.
- b. Abnormal behavior while at work or a significant deterioration in performance.
- c. Evidence that the employee has used, possessed, sold, solicited, or transferred drugs while working or at work.
- d. Involvement in an accident or near accident.

Contact Human Resource Services or the Security Office to report any observable behavior that appears to be the result of substance or alcohol abuse. A complete set of the drug screening procedures for drug testing is available in the human resources office. The procedures discuss the type of screening, when and how they are to be conducted, and the actions that will be taken by the College should the employee receive a confirmed positive alcohol or drug test.

The refusal by an employee to submit to drug testing shall result in disciplinary action as though it were an unsatisfactory test result. The disciplinary action shall be recorded in the personnel file of the employee.

Use of Prescription Drugs: It is expected that when taking over-the-counter or prescribed medicine which may impair performance or function that employees will establish safe levels that will not alter their physical or mental ability to perform their job safely and effectively.

It is the employee's responsibility if he/she believes that the use of a legally obtained drug may impair job performance or safety to immediately notify his/her supervisor of the concern. An employee shall report the concern prior to starting work or as soon as the condition becomes known. The employee's supervisor will then determine whether the employee may continue to work, needs to take a leave of absence, or if some other action is appropriate.

Penalties for violation of this program are according to established policies and procedures up to and including dismissal, and/or requiring the employee to participate in an approved drug-abuse assistance or rehabilitation program.

After consultation with appropriate personnel, administration may recommend an option of college-approved drug counseling and rehabilitation in lieu of or in addition to the specified sanctions in the employee handbook. Each case will be determined on an individual basis.

In addition to any penalty resulting from violation of this policy, the college may also refer any evidence of illegal activities by any faculty, staff, or student to the proper authorities for review and potential prosecution. Such referrals will be made through the Executive Vice President, Chief Financial Officer, and Human Resource Services.