

**Date: 09/21/1990**

## **SUBSTANCE ABUSE**

### **Northern New Mexico College**

#### **1. Procedures**

Northern New Mexico Community College is committed to the prevention of unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as a part of any of its activities.

Substance abuse in the workplace, on the campus or other college locations, or while on college business is prohibited. Substance abuse is defined as the unauthorized possession, distribution, dispensing, manufacture, sale or use or being under the influence of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC 812 (United States Code, Title XXI, Chapter 13) or its implementing regulations, 21 CFR Sections 1308.11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to alcohol or prescription drugs, that may affect an individual's ability to perform his or her job in a safe, adequate and secure manner. Controlled substances include, but are not limited to marijuana, barbiturates, anabolic steroids, cocaine, (including crack), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs.

The unauthorized use, manufacture, distribution, dispensation, sale, possession, or transfer of controlled substances (as proscribed by the Controlled Substances Act or identified in Schedules I through V of the Act as described above) on college premises constitutes a violation of this policy; such violation may result in disciplinary action up to and including dismissal, reprimand, suspension with or without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies for violation of the standards of conduct. Disciplinary action may also include the satisfactory completion of a rehabilitation program at the individual's expense.

Substance abuse shall also include the unauthorized use or possession of, or being under the influence of, alcohol or alcoholic beverages on college premises or other college locations.

“On campus, college premises, or other college locations” means in any college building on any college premises; in any college-owned vehicle, or in any other

college-approved vehicle used to transport students to and from college activities off college property at any college-sponsored or approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the college; or during any period college employees are supervising students on behalf of the college or otherwise engaged in college business.

Legal drugs, so long as these drugs do not adversely affect the employee's or student's ability to perform required work safely and securely, may be used on the work site. When such legal drugs are to be used at the work site and will affect performance, employees should inform their supervisors.

Employees working under any federal grant or engaged directly or indirectly in the performance of a federal grant must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off college premises while conducting college business. A report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by the Drug Free Workplace Act of 1988.)

Drug testing that in any way involves the examination of body fluids is not permitted unless there is reasonable suspicion that a specific individual violates this policy. In such cases, the individual may be required to undergo testing as a condition of continued employment and/or enrollment as a student. This procedure will require written approval by the Chief Executive Officer or designee.

### **1.1. Random Drug Testing**

The obligation of employees in certain positions to perform their duties unimpaired holds direct consequences for the safety of the students of the college and of the general public. Examples would include any positions that involve driving a motor vehicle as a prime and regular duty. As to such employees, in addition to the enforcement procedures set forth above, the College reserves the right at any time to require the submission of blood, breath, or urine samples by any such employees for testing by an authorized testing laboratory. A refusal by such an employee to provide such a sample upon request shall be considered insubordination and may lead to disciplinary action, including discharge.

The College shall also possess the discretion to conduct nondiscriminatory random drug testing programs for students participating in athletic activities conducted or sponsored by the College.

## **1.2. Health Risks**

Alcohol and controlled substance abuse can lead to early behavioral and psycho-social problems. Substance abuse is a non-discriminative, progressive illness, that typically begins with experimentation, continues due to misinterpreted behavioral standards, and may result in addiction.

Addiction to alcohol and/or illicit drugs will debilitate the total wellness of the individual and interfere with his or her ability to carry out even simple tasks.

Descendants of a blood relative with a history of alcohol or substance abuse are at greater risk of becoming addicted. There is no safe level of chemical use during pregnancy and research indicates that use before conception by either partner can affect the infant.

For complete information concerning the health risks resulting from the use and/or abuse of alcohol and illicit drugs, contact the College counseling center.

## **1.3. Employee/Student Assistance**

Northern is committed to a safe working and learning environment for its employees, students, and the public. Substance abuse affects employee performance, conduct, and/or reliability, and students' ability to learn and complete assigned tasks.

Northern strongly encourages employees who engage in any form of substance abuse, including alcohol or other drug-related problems, to voluntarily refer themselves for assistance. The College will provide support or referral for employee assistance, rehabilitation, and/or counseling.

The Chief Executive Officer will appoint an Employee/Student Assistance Team. In dealing with students, the team will report to the Dean of Students; in dealing with employees, to the Director of Human Resources. The function of this team is to intervene and guide (within the limits of its members' professional competence as substance abuse counselors), make referrals to other resources (internal and external), and monitor the progress of the subject towards a return to a healthful lifestyle. The team shall, as much as possible, consist of employees who possess a degree of expertise in substance abuse counseling and treatment. The immediate supervisor and/or others in the line of supervision may be added to the team. In dealing with students, the counseling staff may be included as available and/or as needed. Individual team members

may exclude themselves as necessary because of personal considerations relative to specific clients and/or situations. The Chief Executive Officer may assign other duties in other assistance areas besides substance abuse. Professional consultants may also be included.

Referrals may be provided for employees who request medical help or rehabilitation. The Director of Human Resources will provide assistance, guidance, and training for supervisors and employees regarding the implementation of this policy.

Employees are encouraged to participate in employee assistance. Therefore, employees who voluntarily seek such assistance, termed self-referrals, will be accorded different treatment than supervisor referrals described below. Information regarding the employee who is participating in the program will be treated as confidential and will be accorded the protection required by applicable state and federal law.

Employees who have entered into rehabilitation must comply with the terms of the program. Employees entered into inpatient rehabilitation as a part of a prescribed program will be placed on appropriate leave status for that period. Fees and expenses incurred are the responsibility of the employee.

#### **1.4. Employee Performance**

Supervisors will observe employee performance and on-the-job conduct to detect behavior that could compromise the health or safety of the employee or others. When that observation indicates cause to believe that substance abuse is a factor, supervisors are to take appropriate action as directed in this policy when:

- 1) behavior is observed that may pose an immediate threat to the health and safety of the employee or of others and the supervisor reasonably suspects that substance abuse may be a contributing factor
- 2) the use of controlled substances, the misuse of legal substances, or unauthorized use of alcohol has been observed in the workplace or,
- 3) a work-related accident or incident occurs where the supervisor reasonably suspects that substance abuse may be a contributing factor.

In substance abuse cases, the employee's supervisor will report the matter to the Director of Human Resources who will outline the course of action with the respective Dean and take the necessary steps in compliance with this

policy. The employee's supervisor may refer the employee for professional evaluation for substance abuse, and report the referral to the Director of Human Resources. Where there is misconduct and/or substandard performance and there is uncertainty as to whether substance abuse is a factor, the supervisor will refer the employee for substance abuse assessment through the Director of Human Resources.

### **1.5. Standards of Conduct**

All employees are expected to cooperate fully with Northern's objective of maintaining a Drug-Free Workplace. Failure to do so is deemed to be a violation of college policy and the standards of conduct prescribed therein. Accordingly, if an employee violates this policy, refuses to submit to a required evaluation for substance abuse, refuses rehabilitation, fails to complete a prescribed rehabilitation program, fails to submit required documentation relative to evaluation, or falsifies any record relative to substance abuse, such employee will be subject to disciplinary action up to and including discharge.

### **1.6. Education Program**

- 1) The Director of Human Resources and the Dean of Students shall each provide periodic (at least twice a year) training and education on the dangers and risks to physical and mental health, economic welfare, and civil status from the use of illicit drugs and abuse of alcohol.
- 2) The Director of Human Resources will post notices regarding drug-free workplaces on major bulletin boards in each campus. The Dean of Students will likewise post notices in prominent areas frequented by students on all campuses.
- 3) The College catalog and class schedules published each semester will include a statement announcing that substance abuse in the workplace, while on College premises, or conducting College business is prohibited.
- 4) The Student Handbook and the College Personnel Policy Manuals will include Northern's Substance Abuse Policy. Disciplinary sanctions which may be imposed upon students for violation of this policy include but are not limited to, warnings, academic probation, suspension from academic or extracurricular programs, suspension from the College, expulsion, and referral to and satisfactory completion

of rehabilitation programs. The College also reserves the right to make referrals to law enforcement agencies for investigation and prosecution.

- 5) Registration material at the beginning of each semester and summer sessions (continuing education students accepted) will include a copy of the policy.
- 6) The policy shall be included with the orientation package of material for each new employee. The Dean of each respective Division will distribute the policy to each employee under his/her supervision and will maintain records substantiating this distribution. Personal Action Notice (PAN) completion for employment will signify the respective employee's receipt of this policy.
- 7) The policy will include the following:
  - ❖ Prohibition of the unlawful use of illicit drugs and alcohol.
  - ❖ Description of health risks associated with substance abuse.
  - ❖ Description of the functions and procedures of the Employee/Student
  - ❖ Assistance Team, as well as any other therapeutic resources available.
  - ❖ An assurance that confidentiality will be maintained.
  - ❖ Description of the College disciplinary actions and the conditions and circumstances for their application Confidentiality and Due Process

## **2. Confidentiality and Due Process**

Employees are assured that every effort will be taken to protect their confidentiality. Actions taken against employees in the enforcement of this policy shall comply with such hearing or due process procedures as may be required by College policy or state law.

## **3. Policy Review**

A biannual review of this Substance Abuse Policy will be conducted to determine its effectiveness, to implement changes as needed, and to ensure that disciplinary sanctions are consistently enforced.

This policy is adopted by Public Law 101226, Drug-Free Schools and Communities Act Amendments of 1989, for receipt of federal program funds.

#### CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS AND DRUG FREE WORKPLACE REQUIREMENTS.

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The signature of this form provides for compliance with certification requirements under 34 CFR Part 82, “New Restrictions on Lobbying,” and 34 CFR Part 85, “Governmentwide Debarment and Suspension (Non procurement) and Governmentwide Requirements for DrugFree Workplace (Grants).” The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

#### **4. Lobbying**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 2, Sections 82.105 and 82.110, the applicant certifies that:

- 4.1.** The Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, on modification of any Federal grant or cooperative agreement;
- 4.2.** If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, or a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” by its instructions;
- 4.3.** The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

## **5. Debarment, Suspension, And Other Responsibility Matters**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

### **5.1. The applicant certifies that it and its principals:**

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- Have not within three years preceding this application been convicted of or had a civil judgment rendered against them for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with the commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- Have not within three years preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

**5.2.** Where the applicant is unable to certify any of the statements in this certification, he or she shall attach an explanation to this application.

## **6. Drug-Free Workplace (Grantees Other Than Individuals)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610:

### **6.1. The applicant certifies that it will or will continue to provide a drug-free workplace by:**

- Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled



substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- Establishing an ongoing drug-free awareness program to inform employees about (1) the dangers of drug abuse in the workplace (2) The grantee's policy of maintaining a drug-free workplace (3) Any available drug counseling, rehabilitation, and employee assistance programs and (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: (1) abide by the terms of the statement; and (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3).