

METROPOLITAN COMMUNITY COLLEGE

DISTRICT REGULATION

3.30060 DR

DRUGFREE WORKPLACE, CAMPUS AND COMMUNITY

3.30060 DR

Reference: 7.35010 Code of Student Conduct

In accordance with board policy to provide a safe, secure, healthful, drug free work, campus, and community environment, employees are expected and required to report to work and participate in district activities, and students are expected and required to attend classes and participate in district activities, in appropriate mental and physical condition. Further, students and employees are expected to abide by the following regulations related to the misuse of alcohol and other drugs and the unlawful possession, use, or distribution of illicit drugs and alcohol.

The appropriate vice chancellor or designee will be responsible for notifying all students and employees of policies and regulations related to providing a drug free workplace, campus, and community.

I. Employee Compliance with Federal Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989

Each employee of the district will, as a condition of employment, agree to abide by the provisions of this regulation and all applicable conditions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

II. Employee Assistance with Alcohol and Other Drug Related Problems

Employees with alcohol or other drug related problems are encouraged to utilize the services of the district employee assistance program.

- A. All communications between the employee and the employee assistance program will be strictly confidential, except in the case of conditional referrals.
- B. Employees will not be subject to disciplinary action solely for voluntarily acknowledging their alcohol or other drug related problems.

III. Prohibited Employee Activities

- A. Employees will not report for duty while impaired by illicit or illegal drugs or alcohol.
- B. Employees will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, illicit drugs, or alcohol while on duty, on district premises or property, or as part of any district activities.

- C. Employees will not conduct district business away from district premises or property or participate in any district activities while impaired by illicit or illegal drugs or alcohol.

IV. Employee Disciplinary Actions

A. Initial Actions upon Discovery

- 1. The appropriate law enforcement agency will be notified when illicit or illegal drugs are discovered on district premises or property or in the possession of or being used or distributed by any employee while on duty or while participating in any district activities.
- 2. Any employee discovered to be illegally impaired by drugs or alcohol while on duty will be required to leave the premises with an offer of transportation home furnished by the district.

B. Personnel Action

- 1. Violation of District Regulation. Any employee who violates the provisions of this regulation is subject to disciplinary action which may include termination, depending upon the circumstances of the individual case and the judgment of appropriate college officials.
 - a. Upon notification of a violation of this regulation, the district director of human resources will discuss the matter with the employee's supervisor, the administrative supervisor, and the district officer in charge of the unit involved to determine proposed disciplinary action.
 - b. The district director of human resources will arrange a meeting with the charged employee and the employee's supervisor to discuss the charges and the proposed disciplinary action.
 - c. The district director of human resources will recommend to the district officer in charge of the unit involved the discipline to be assessed.
 - d. The officer will determine the appropriate disciplinary action and communicate this recommendation in writing to the director of human resources who will advise the employee.
 - e. The employee shall have the rights established by district policy for his or her applicable employment category (e.g., non-probationary faculty, probationary faculty, staff. If there is no such applicable policy, the employee may request a hearing conducted in accordance with the appropriate process.

2. Conviction for Criminal Drug Offense. Within 30 days of receiving notification of the conviction of any employee for a criminal drug offense occurring in the workplace, appropriate personnel action will be taken. Such action may range from requiring satisfactory participation in a drug abuse rehabilitation program to termination of employment, depending upon the circumstances of the individual case.

V. Reporting Violations and Convictions

- A. It is every employee's responsibility to report immediately to an appropriate supervisor any violation of the district Drug-Free Workplace, Campus, and Community policy and regulations. The supervisor will report the information promptly to the district officer in charge of the unit involved and the district director of human resources.
- B. An employee convicted of any criminal drug offense for a violation occurring in the workplace will notify the district director of human resources of such conviction no later than five days after such conviction. The district director of human resources will promptly report such information to the chancellor or designee.
- C. Within ten days after learning of the conviction of any district employee for violation of any criminal drug offense occurring in the workplace, the chancellor or designee will notify the appropriate federal agency responsible for any grant or contract with the district in which the convicted employee is involved.

VI. Student Compliance with the Drug-Free Schools and Communities Act Amendments of 1989

Each student in the district will, as a condition of enrollment, agree to abide by the provisions of this regulation and all applicable conditions of the Drug-Free Schools and Communities Act Amendments of 1989.

VII. Student Assistance with Alcohol and Other Drug Related Problems

Students with alcohol or other drug related problems are encouraged to utilize the services of the private and community agencies.

VIII. Prohibited Student Conduct

- A. Students will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, illicit drugs, or alcohol while on district premises or property, or as part of any district activities.
- B. Students will not attend classes or participate in any district activities while impaired by illicit or illegal drugs or alcohol.

IX. Student Disciplinary Action

- A. Students who violate this regulation are subject to the following disciplinary actions as more fully set forth in the Code of Student Conduct: warning,

disciplinary probation, disciplinary reprimand, restitution, summary suspension, suspension, and expulsion. The particular disciplinary action taken may depend on the circumstances of the individual case and the judgment of appropriate college officials.

- B. In conjunction with or in lieu of the imposition of any of the disciplinary actions set forth in Section A herein, students may also be referred to appropriate local, state, or federal law enforcement agencies for prosecution.
- C. In conjunction with or in lieu of any of the disciplinary actions set forth in Section A herein, students may be required to complete an appropriate counseling or rehabilitation program.
- D. All disciplinary hearings or proceedings due students charged with violations of this regulation shall be conducted in accordance with or as provided by the Code of Student Conduct.
- E. If and to the extent the Drug-Free Workplace, Campus, and Community regulations conflict with or contradict the Code of Student Conduct, the Drug-Free Workplace, Campus, and Community regulations shall control.

X. Applicable Legal Sanctions

Apart, separate and distinct from district policies, employees and students who engage in the unlawful manufacture, distribution, dispensing, possession or use of controlled substances, illicit or illegal drugs, or alcohol are subject to sanctions under local and municipal ordinances, Missouri statutes, the United States Code, and other applicable local, state, and federal laws. Such sanctions could include, without limitation, fines and imprisonment.

XI. Health Risks Associated with the Use of Illicit Drugs and Abuse of Alcohol

The use, misuse, or abuse of illicit drugs and alcohol can lead to or result in a variety of health risks including, but not limited to, addiction or dependency, physical infirmities and trauma, mental and emotional disorders and trauma, and, in some cases, harm to unborn children.

Approved: Chancellor's Cabinet
September 12, 1989
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(Editorial Corrections 1/17/06)