

## V 01 05 DRUG FREE CAMPUS/WORKPLACE

### PURPOSE

The purpose of this policy is to establish guidelines and standards for the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Further, to document the commitment of Volunteer State Community College (VSCC) to be a drug-free workplace and campus and to define consequences for individuals violating college policy concerning illicit drugs and alcohol.

Volunteer State Community College (VSCC) strictly prohibits the unlawful manufacture, sale, distribution, possession, use, or abuse of alcohol and illicit drugs on all VSCC campuses or any properties leased by VSCC, and at any College functions taking place at any campus location or property leased by VSCC. All employees and students are subject to applicable federal, state, and local laws related to this matter as well as disciplinary actions outlined in this policy.

*Drug-Free Workplace Act:* The Drug-Free Workplace Act requires employers who contract with or receive grants from federal agencies to certify that they will meet certain requirements for providing a drug-free workplace. The Act becomes applicable to VSCC when the institution:

- a. Receives a federal contract for the procurement of property or services where the contract amount (or values of the services) is \$25,000 or more, or
- b. Receives any federal grant. The Act imposes no monetary minimum on the grants to which it applies.

*Drug-Free Schools and Communities Act:* The Drug-Free Schools and Communities Act provides that in order to receive federal financial assistance of any kind, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Each institution must have a program that, at the least, provides that all students and employees receive annually a written statement covering:

- a. Standards of conduct concerning drugs and alcohol;
- b. Legal actions;
- c. Health risks;
- d. Available counseling and treatment programs; and
- e. Disciplinary sanctions that the institution will impose on students and employees.

Every two years the institution must conduct a review of its program to determine the effectiveness, implement changes, and ensure that disciplinary sanctions are being consistently enforced. These requirements are separate and distinct from the requirements under the Drug-Free Workplace Act of 1988. The Drug-Free Workplace rules relate only to employees involved in work under federal grant or contracts and cover illegal drugs only, no alcohol. The rules under the Drug-Free Schools and Communities Act are broader in scope, covering drugs and

alcohol, students and employees. The entire institution is covered by the Act as long as an institution receives any federal funds.

## **POLICY**

In accordance with local, state and federal law, VSCC students and employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use of, or being under the influence of controlled substances, illicit drugs and/or alcohol on any VSCC campus, or property owned or controlled by VSCC, or as part of any VSCC activity.

### **I. Health Risks**

#### **A. The use of alcohol may lead to serious health risks including but not limited to:**

1. Loss of muscle control, poor coordination, slurred speech
2. Fatigue, nausea, headache
3. Increased likelihood of accidents
4. Impaired judgment
5. Possible respiratory paralysis and death
6. Birth defects/fetal impairment

#### **B. Heavy drinking may lead to:**

1. Alcoholism
2. Damage to brain cells
3. Increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of the liver, mouth, throat, and stomach
4. Hallucinations
5. Personality disorders

#### **C. Health risks associated with the use of illegal drugs may include but are not limited to:**

1. Increased susceptibility to disease due to a less efficient immune system
2. Increased likelihood of accidents
3. Personality disorders
4. Addiction
5. Death by overdose
6. Anemia
7. Poor concentration
8. Fetal impairment/addiction

For more information concerning the health risks associated with the use of alcohol, heavy drinking or the use of illegal drugs please refer to the US Department of Justice Drug Enforcement Administration Drug Fact Sheets found at:

<https://www.dea.gov/druginfo/factsheets.shtml>. Other information concerning the Controlled Substances Act can be found at: <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>.

### **II. Counseling, Treatment and Rehabilitation Programs (Refer to Appendix A)**

The Office of Student Engagement and Support or designee will assist students and the Human Resources office will assist employees by providing information concerning treatment resources in the surrounding area and assisting individuals in making initial contact with treatment providers. Any employee or student seeking counseling treatment or rehabilitation related to drug or alcohol use or consumption will not be disciplined or sanctioned due to seeking treatment.

Regular insurance eligible employees of the College and their dependents may also use the State of Tennessee Employee Assistance Program (EAP). This encompasses professional counseling services for drug and alcohol related problems. These services are voluntary and strictly confidential. Information about the EAP can be accessed in the Office of Human Resources or at: [http://www.partnersforhealthtn.gov/behavioral\\_health.shtml](http://www.partnersforhealthtn.gov/behavioral_health.shtml) or <https://www.here4tn.com/>.

### III. Penalties for Violation

A. Various federal and state statutes make it unlawful to manufacture, distribute, dispense, deliver or sell, or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible penalties could include incarceration up to and including life imprisonment and imposition of substantial monetary fines. Tennessee statutes provide that it is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his or her employment), or consume alcoholic beverages, wine, or beer. Any violation of this law results in an offense classified a Class A misdemeanor punishable by imprisonment for not more than 11 months, 29 days, or by a fine of not more than \$2,500, or both. The receipt, possession, or transportation of alcoholic beverages without the required revenue stamp is also a misdemeanor punishable by imprisonment of not more than thirty (30) days or a fine or not more than \$50, or both.

#### 1. Students

In addition to criminal penalties students may be subject to under local, state or federal law, students violating this policy will be subject to disciplinary action, including, but not necessarily limited to:

- a. Expulsion
- b. Suspension
- c. Mandatory participation in, and satisfactory completion of drug/alcohol abuse program or rehabilitation program
- d. Recommendation to professional counseling
- e. Probation

- f. Warning, and/or
- g. Reprimand

## 2. Employees

As a condition of employment and/or continued employment, each employee, including student employees, must abide by the terms of Volunteer State's Drug-Free Campus/Workplace policy and must notify the Office of Human Resources of any criminal drug statute conviction or alcohol abuse conviction for a violation occurring in the workplace no later than five (5) days after such conviction. A conviction includes a finding of guilt, a plea of *nolo contendere*, or imposition of a sentence by any state or federal judicial body. Any employee who fails to report a conviction will be subject to disciplinary action. In addition to penalties employees may be subject to under local, state or federal law, employees violating this policy will be subject to possible disciplinary actions for failure to comply with this policy, including failure to notify of conviction, may include but may not necessarily be limited to one or more of the following:

- a. Probation
- b. Termination
- c. Suspension
- d. Mandated participation in, and satisfactory completion of, a drug/alcohol abuse program or rehabilitation program
- e. Recommendation for professional counseling
- f. Letter of warning; and/or
- g. Reprimand

## B. Potential Criminal Penalties Sanctions

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The penalty imposed depends upon many factors, including the type and amount of the controlled substance involved, the number of prior offenses, if any, whether death or serious bodily injury resulted from the use of such substance, and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment, a fine of up to \$4,000,000 if an individual, supervised release, any combination of the above, or all three. These sanctions are doubled when the offense involves either:

- a. the distribution or possession at or near a school or college campus, or
- b. distribution to persons under 21 years of age.

Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal

use amounts” of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor. If there is an exchange between a minor, the offense is classified as a felony as provided in TCA 39-17-417, (21 USC 801, et. seq.; TCA 39-17-417).

It is unlawful for any person under the age of twenty-one (21) to buy, possess, or transport alcoholic beverages for any purpose unless it is in the course of employment. It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21). These offenses are classified as Class A misdemeanors (TCA 39-15-404) and are punishable by imprisonment no greater than eleven (11) months and twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500) or both, unless otherwise provided by statute. The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than thirty (30) days or a fine of not more than \$50, or both (TCA 39-17-310).

## **PROCEDURES**

### **I. Violations**

#### **A. Supervisor Notification of Human Resources**

Any supervisor becoming aware of an employee violation of this policy, whether by virtue of notification by an employee of a conviction or by other means, will immediately notify the Senior Director of Human Resources or designee.

#### **B. Employees Funded by Federal Grants**

The Senior Director of Human Resources or designee will notify the appropriate sponsor or granting agency within ten (10) days after the College receives actual notice of an employee conviction.

### **II. Dissemination of Policy**

#### **A. Employees**

1. During new employee orientation, the Office of Human Resources will direct new employees to read the Drug and Alcohol Abuse Prevention Program (DAAPP) (Appendix B) Drug-Free Campus/Workplace Policy (V:01:05) and return a signed certification to the Office of Human Resources.
2. Annually, the Office of Human Resources will send a copy of the DAAPP and Drug-Free Campus/Workplace policy to all employees (regular full-time, regular part-time and temporary part-time) and adjuncts by email and encourage them to review the policy. Instructions on how to obtain a paper copy will also be included.

## B. Students

1. Students will be provided a copy of the VSCC Drug Free Campus/Workplace policy and the DAAPP (Appendix B) in the new student orientation materials.
2. After census date for each fall, spring and summer term students registered in the full term will receive an email from the Office of the Vice President for Student Services which contains a link to the Drug-Free Campus/Workplace policy (V:01:05) which includes the DAAPP. One week after each part of term which is within a full term, those students who are beginning enrollment at that time will receive an email from the Office of the Vice President for Student Services containing a link to the Drug-Free Campus/Workplace policy (V:01:05) which includes the DAAPP. These emails will also contain links to the VSCC Student Handbook, the VSCC Consumer Information webpage, the VSCC Sexual Misconduct webpage, the VSCC online complaint form and the VSCC Annual Security Report.

## III. Developing and Updating the Program and Policy

### A. Drug and Alcohol Abuse Prevention Program (DAAPP)

The Vice President for Student Services or designee is responsible for developing and updating the VSCC Drug and Alcohol Abuse Prevention Program (DAAPP) documentation in accordance with the requirements of the Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Education Department General Administrative Regulations (EDGAR). The college provides information on drug and alcohol treatment and prevention through a variety of means including in-class presentations, disseminating educational materials, and student programming.

### B. Volunteer State Community College Drug Free Campus/Workplace Policy

The Senior Director of Human Resources or designee is responsible for developing and updating the Volunteer State Community College Drug Free Campus/Workplace Policy (V:01:05) in accordance with the requirements of the Drug-Free Workplace Act of 1988 or future Act revisions.

C. Policy Review is to be completed annually.

## IV. Annual Review of Program

### A. Purpose

An annual review of the Drug Free Campus/Workplace Policy will be conducted to determine its effectiveness and to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students

and employees found to be in violation. The review will also identify any needed changes to the DAAPP.

#### B. Individuals Responsible for Review

The annual review will be conducted by the College's Behavioral Intervention Team (BIT). The BIT is appointed by the President and may include the following positions:

Vice President for Student Services  
Assistant Vice President for Student Services  
Dean, Social Science and Education  
Senior Director of Human Resources/Affirmative Action Officer  
Manager of Employee Relations and Equity  
Director of Advising and Testing  
Manager of Disability Services  
Chief of Campus Police  
Assistant Chief of Campus Police

#### C. Timing

The committee will meet each year to conduct the annual review of the Drug and Alcohol Awareness Prevention Program.

#### D. Collection of Information Regarding Programs

1. The Manager of Employee Relations and Equity or designee will be responsible for maintaining a log of programs and activities related to drug and alcohol awareness programs for employees.
2. The Assistant Vice President for Student Services or designee will maintain a log of student programs and activities.
3. The Senior Director of Human Resources and Vice President for Student Services or designees will meet with the Chief of Campus Police to provide information regarding the programs prior to the preparation of the Annual Security Report.

#### V. Biennial Report of Review Findings

##### A. Content and Timing

The Vice President for Student Services and the Senior Director of Human Resources or designees will prepare a report of the findings for the two preceding years which will include:

1. Statement of program goals and summary of goal achievement
2. Activities implemented to achieve program goals and outcomes

3. Analysis of strengths and weaknesses of the program
4. A list of cases and the disposition of each case
5. Procedures for distributing the policy and program information to employees and students along with copies of the information that was distributed
6. Recommendation for revisions to the program

#### B. Approval

The Biennial Report will be approved and signed by the President of the College.

#### C. Distribution

The Vice President for Student Services will send the request to the Office of Public Relations to post the report to the Consumer Information webpage. The exact URLs or PDF documents to be linked will be sent with the request.

VSCC Source: March 15, 1989, November 3, 1998, April 2, 1999, President; January 5, 2009, President's Cabinet; December 11, 2017, President's Cabinet

**VSCC Policy V:01:05 Drug-Free Campus/Workplace**

**Appendix A**

#### **Available Drug and Alcohol Counseling, Treatment, Rehabilitation Programs and Employee Assistance Programs**

Volunteer State will assist students and/or employees by providing information concerning treatment resources in the surrounding area and in assisting individuals in making initial contact with treatment providers. Contact: Office of Student Engagement and Support at 615.230.3519 or 615.230.3390. Office located in the Wood Campus Center, Room 215.

Health insurance plans available to employees provide varying levels of coverage for alcohol and substance abuse programs. For information on plan coverage, contact the Office of Human Resources.

### Drug and Alcohol Resources

| Agency   | Website  | Phone  |
|--|--|--|
| Alcoholics Anonymous   | <a href="http://www.aa.org">www.aa.org</a>   | 615.831.1050   |
| Centerstone Community Health Center, Inc.                          | <a href="http://www.centerstone.org">www.centerstone.org</a>   | 800.681.7444 (Crisis Line)<br>888.291.4357<br>(Information/Appointments) |
| Community Anti-Drug Coalition of Clay County                       | <a href="http://www.claycoalition.weebly.com">www.claycoalition.weebly.com</a>   | 931-243-3334   |
| Community Prevention Coalition of Jackson County                   |  | 931-268-4191   |
| Employee Assistance Program  | <a href="http://www.Here4TN.com">www.Here4TN.com</a>   | 855.437.3486   |
| Cocaine Anonymous  | <a href="http://www.ca.org">www.ca.org</a><br><a href="http://www.tenca.com">www.tenca.com</a>   | 310.559.5833 (National)<br>901-725-5010 (TN)                             |
| Narcotics Anonymous  | <a href="http://www.nanashville.org">www.nanashville.org</a>   | 888.476.2482   |
| Overton County Anti-Drug Coalition                                 | <a href="http://www.overtoncountyadc.com">www.overtoncountyadc.com</a>   | Office: 931-260-0350<br>Coalition Cell: 931-823-3797                     |
| Prevention Alliance of TN (Statewide)                              | <a href="http://www.tncoalitions.org">www.tncoalitions.org</a>   | Office: 615-780-5901<br>Cell: 865-803-2919                               |
| Putnam County Anti-Drug Violence Coalition                         |  | 931-520-7531   |
| Smith County Anti-Drug Coalition                                   | <a href="http://www.smithcodrugprevention.org">www.smithcodrugprevention.org</a>   | Office: 615-588-1622<br>Coalition Cell: 615-683-9270                     |
| Sumner County Anti-Drug Coalition                                  | <a href="http://www.sumnercoalition.org">www.sumnercoalition.org</a>   | 615-461-8243   |
| Tennessee Department of Mental Health and Substance Abuse Services | <a href="http://www.tn.gov/mental/">www.tn.gov/mental/</a>   | 855-CRISIS.1   |
| TN Crisis Center (Mobile Crisis)                                   | <a href="http://www.tn.gov/behavioral-health/article/mobile-crisis-services">www.tn.gov/behavioral-health/article/mobile-crisis-services</a> | 855-274-7471   |

### VSCC Policy V:01:05 Drug-Free Campus/Workplace

### Appendix B

#### Volunteer State Community College

#### Drug and Alcohol Prevention Program (DAAPP)

Volunteer State Community College is committed to providing a drug-free campus and workplace for students and employees. The well-being and safety of all students and employees is important to the organization and the college strives to insure that all campuses uphold a safe and secure environment.

Information is disseminated and programming is carried out in various ways to achieve this goal. By integrating classroom presentations into prevention programming faculty and staff can distribute materials and information which students can utilize to make well-informed decisions relative to drug and alcohol use. Also, information is shared with students through new student orientation, the distribution of the VSCC Student Handbook as well as through individual information-sharing appointments with professional staff.

The Office of Human Resources disseminates information on drug and alcohol treatment and prevention to employees through a variety of ways, including periodic bulletins and distribution of health plan materials. Health insurance plans available to eligible employees provide varying levels of coverage for alcohol and substance treatment programs. In addition, the College's Employee Assistance Program connects employees with resources for support, education and treatment. Employees interested in learning more about plan coverage may contact the Office of Human Resources.

Where appropriate, employees may participate in College programming and other campus activities related to this topic.