

# DRUG-FREE SCHOOLS AND WORKPLACE POLICY

Delaware Technical & Community College believes that illegal drugs and abuse of alcohol have no place in the college environment.

Furthermore, Congress passed the Drug-Free Workplace Act of 1988, requiring the certification of federal grantees of a drug-free workplace; and the Drug-Free Schools and Communities Act Amendments of 1989, requiring the certification of adoption and implementation of programs to prevent unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The College supports these Acts.

For these reasons, the College adopts the following regulations:

(a) The unauthorized and/or unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol is strictly prohibited in all facilities of the College, in all places where its employees/students work/attend, including all State-owned vehicles, and as any part of the College's activities. A controlled substance is one which appears in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812). As a condition of employment/enrollment, all employees/students shall abide by this prohibition and notify the College of any criminal drug or alcohol statute conviction for a violation of this policy as provided by paragraph (b) below. Violation of such prohibition shall result in action against the employee/student, as set out in section (g) below, which shall include action up to and including termination/expulsion, and/or satisfactory participation in an approved drug or alcohol abuse assistance or rehabilitation program. Participation in such a program shall not be paid for by the College, but may be covered by a(n) employee's/student's health insurance policy. Appendix A contains a description of Federal trafficking (distribution) penalties for substances covered by the Controlled Substances Act. Appendix B contains examples of State penalties for the unlawful use, possession, or distribution of drugs or alcohol.

All violations of the above policy shall be reported to the College President, or his/her designee, who shall report the violation to the appropriate police authority. Action shall be taken in all cases of a chargeable offense under the provisions of the applicable State law or comparable Federal law; however, a conviction of the charged offense shall not be necessary to take action against the employee/student for a violation of the policy. The employee/student against whom such an action is taken shall be entitled to due process through the rules and regulations of Delaware Technical & Community College.

(b) All employees/students shall notify the College President in writing of any criminal drug or alcohol statute conviction for a violation occurring in any facility or on the property of the College, or at any College activity, no later than five days after such conviction. Failure of the employee/student to make such a notification shall lead to termination/expulsion from the College. Within ten days of receiving notice of any employee convicted as described above, the College shall notify the federal agencies providing grants to and through the College in accordance with the Drug-Free Workplace Act of 1988.

(c) Within thirty days of receiving notice of any employee/student convicted as described in section (b), the College will:

- (1) Take appropriate action against such a(n) employee/student, up to and including termination/expulsion; or
- (2) Request such employee/student to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency.

Such action may be taken by the College prior to conviction.

(d) The College shall give each employee/student a copy of the statement set out in the sections (a), (b) and (c) above, and post it prominently throughout the College. To meet requirements of the Drug-Free Workplace Act of 1988, each employee shall sign a copy of the statement; said copy shall be placed in the employee's payroll file in the Office of the President.

(e) Each campus of the College will develop and implement a program to inform employees/students of:

- (1) The dangers of drug abuse or alcohol consumption;
- (2) The College policy of maintaining a drug- and alcohol-free environment;
- (3) Any available drug or alcohol abuse counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees/students for drug or alcohol violations occurring in any facility or on the property of the College, or at any College activity.

(f) The College shall make a good faith effort to continue to maintain a drug- and alcohol-free environment through the implementation of this policy, and ensuring that all new employees/students are informed of the policy through the measures set out in sections (d) and (e).

(g) Delaware Technical & Community College employees/students who violate this policy shall be subject, as a minimum, to the following penalties:

## VIOLATIONS

1. Unlawful possession, use or consumption of a controlled substance or a counterfeit controlled substance, in an amount that is typical of immediate personal use.
2. Unlawful possession or use of a hypodermic syringe or of drug paraphernalia.
3. Second offense of violation 1 or 2 above.
4. Third offense of violations 1 and/or 2.
5. Unlawful possession of a controlled substance or a counterfeit controlled substance, in an amount which is beyond that typical for immediate personal use.

## MINIMUM PENALTIES

Employee: Three days suspension without pay and/or participation in drug abuse program.  
Student: Three days suspension from classes and/or rehabilitative referral to a drug abuse program.

Employee: Three days suspension without pay and/or participation in drug abuse program.  
Student: Three days suspension from classes and/or rehabilitative referral to a drug abuse program.

Employee: One month suspension without pay and mandatory participation in drug abuse program.  
Student: One month suspension from classes and mandatory participation in drug abuse program.

Employee: Termination.  
Student: Expulsion.

Employee: One month suspension without pay and mandatory participation in drug abuse program.  
Student: One month suspension from classes and mandatory participation in drug abuse program.

6. Unlawful delivery or distribution of a hypodermic syringe.	Employee: One month suspension without pay and mandatory participation in drug abuse program. Student: One month suspension from classes and mandatory participation in drug abuse program.
7. Unlawful delivery, distribution, or manufacture of drug paraphernalia.	Employee: One month suspension without pay and mandatory participation to drug abuse program. Student: One month suspension from classes and mandatory participation in drug abuse program.
8. Unlawful delivery or distribution of a controlled substance, of a counterfeit controlled substance or of a noncontrolled substance under the representation that the substance is a narcotic or non-narcotic controlled substance in an amount that is typical for immediate personal use.	Employee: One month suspension without pay and mandatory participation in drug abuse program. Student: One month suspension from classes and mandatory participation in drug abuse program.
9. Unlawful delivery or distribution of a controlled substance, of a counterfeit controlled substance or of a noncontrolled substance under the representation that the substance is a narcotic or nonnarcotic controlled substance in an amount which is beyond that which is typical for immediate personal use.	Employee: Three month suspension without pay and mandatory participation in drug abuse program. Student: Three month suspension from classes and mandatory participation in drug abuse program.
10. Second offense of violations 5 through 9.	Employee: Termination. Student: Expulsion.
11. Unlawful delivery or distribution to a minor of a hypodermic syringe, of drug paraphernalia, or of any amount of a controlled substance, a counterfeit controlled substance, or a noncontrolled substance under the representation that the substance is a narcotic or nonnarcotic controlled substance.	Employee: Termination. Student: Expulsion.
12. Trafficking, as defined in 16 Del.C. Section 4753A or in a comparable federal law.	Employee; Termination Student: Expulsion.
13. Failure to report conviction pursuant to section (b) of the policy.	Employee: Termination. Student: Expulsion.
14. Intoxication from use of alcohol.	Employee: Up to five days suspension without pay and/or participation in alcohol self-help program. Subsequent violations may result in termination. Student: Up to five days suspension from classes and/or rehabilitative referral. Subsequent violations may result in expulsion.
15. Unauthorized and/or unlawful possession or use of intoxicating beverages.	Employee: Up to five days suspension without pay and/or participation in alcohol self-help program. Subsequent violations may result in termination. Student: Up to five days suspension from classes and/or rehabilitative referral. Subsequent violations may result in expulsion.
16. Unauthorized and/or unlawful sale or other transfer of intoxicating beverages.	Employee: Up to five days suspension without pay and/or participation in alcohol self-help program. Subsequent violations may result in termination. Student: Up to five days suspension from classes and/or rehabilitative referral. Subsequent violations may result in expulsion.

(h) A description of the health risks associated with the use of illicit drugs is outlined in Appendix C. A description of the health risks associated with the abuse of alcohol follows:

*Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.*

*Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.*

*Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.*

(i) Employees/students may seek drug or alcohol counseling, treatment, or rehabilitation from such facilities or agencies as those listed below. Additionally, employees may seek help through the Employee Assistance Program (EPA) or the State Troubled Employees Program (STEP). Employees may contact the College's STEP Representative by calling the Office of the President, Human Resources Division.