

Consolidating 8020 Alcohol Possession; 5092 Drug/Alcohol Free Workplace; 4039 Heroin/Opioid Prevention; 8030 Tobacco Free Policy to ensure compliance with relevant statutes/cross referencing

Alcohol, Tobacco, Opioids, and other Drug Awareness Policy

1. Purpose

The College is committed to an alcohol, tobacco, and drug-free learning and working environment. The College adheres to the responsibilities set forth in applicable local, state, and federal laws.

All members of the College community, visitors, guests, and volunteers are required to comply with the Alcohol, Tobacco, Opioid, and Other Drug Free Use Policies established by the Board and in compliance with state and federal law.

The manufacture, sale, distribution, dispensation, possession, or use of illegal drugs or controlled substances, and the abuse or unauthorized use of alcohol by anyone on College premises, at any College-sponsored activities, or in College vehicles is prohibited.

Vaping and the use of all tobacco products is prohibited on College premises by any member of the College community, visitor, or guest.

Compliance with the standards set forth in this policy is mandatory.

1. Definitions

Controlled Substance is defined to include legal, decriminalized drugs and illegal drugs. The use and possession of legal drugs (i.e. those drugs for which a valid prescription is required before the drug is to be used or possessed) is not prohibited by this policy unless that use or possession is inconsistent with the prescription or where no such prescription has been provided, or when such use impairs performance.

Illegal Drugs is defined as controlled substances not taken under the supervision of a licensed health care professional or otherwise in accordance with federal law. This includes all such drugs of which the use, sale, possession, distribution, manufacture, or transfer is prohibited by law and includes, but not limited to, narcotics, hallucinogens, stimulants, depressants, and so-called designer drugs.

Workplace is defined as any College premises or work site, including the College's vehicles and public and private means of transportation while engaged in College work and/or business.

2. Employee Requirements

It shall be unlawful and prohibited for an employee to manufacture, distribute, dispense, possess or use a controlled substance or illegal drugs on College property, in a College vehicle, or while engaged in the discharge of College duties on College premises.

This prohibition also applies to other locations during work hours or on nonworking time, and on or off College property to the extent it impairs or compromises an employee's ability to perform job duties, or when such activities negatively affect the reputation of the College to the general public or threaten the integrity of the College.

3. Consequences

The College will refer violations to law enforcement officials for prosecution where appropriate and take necessary disciplinary action against the offender up to and including dismissal.

4. Required Rehabilitation

The College may require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program. An employee's willingness to participate in a rehabilitation program and the employee's ability to perform their assigned job responsibilities may be contributing factors in determining whether the employee's employment will continue.

5. Voluntary Seeking Assistance

An employee who voluntarily seeks assistance for a substance abuse problem before the problem affects job performance and before a positive test is confirmed will not be subject to disciplinary procedures for reporting such a problem. In such a case, the employee will confidentially be referred to the College's Employee Assistance Program and reasonable accommodations will be evaluated to treat the problem, to the extent required by law.

6. Under the Influence- Drugs

Employees may not report to work or work while under the influence of illegal drugs, nor may any employee report to work under the influence of legal drugs for which no prescription has been issued or where the use of the legal drugs is inconsistent with a prescription, or any drug when it is impacting performance on the job.

7. Under the Influence- Cannabis

Employees may not possess or be under the influence of cannabis while they are acting in the scope of their employment with the College. Although Maryland law decriminalized non-medical marijuana allowing individuals 21 and older to possess 1.5 ounces of marijuana, cannabis is controlled under federal law and is not permitted on the College campus per the Federal Drug Free Schools and Communities Act. This Act applies to Hagerstown Community College as a recipient of federal funding.

The Maryland Cannabis Administration outlines the provisions of the law in a helpful document, Frequently Asked Questions/Adult-Use Cannabis document linked here: <https://mmcc.maryland.gov/Pages/cannabisfaq.aspx>

8. Under the Influence- Alcohol

Employees may not report to work or work while under the influence of alcohol. When a test for alcohol is performed, employees who fail a test, refuse to take a test, or violate this policy may be subject to disciplinary action up to and including dismissal from the College.

9. Alcohol Testing

Employees may be subject to unannounced alcohol testing if:

1. Their job is a safety critical position, or

2. There is reasonable suspicion or belief they are in violation of the policy.

10. Exceptions: Alcohol Possession and Use on Campus Property

With the written approval of the President, alcohol may be served on college property for functions such as banquets, dinners, receptions, and fundraisers. When alcohol is permitted, all laws and regulations governing the use and possession of alcohol must be observed. No other use or possession of alcohol on College property is permitted.

11. Drug Testing

Pre-employment

The College may conduct pre-employment drug testing as a condition of employment. In this case, a job offer is contingent on a prospective employee signing a consent and release form (as part of the application process) and testing negative for the presence of illegal drugs. Any individual who refuses to submit to a drug test will not be considered for employment.

Employees

Employees may be subject to unannounced drug testing if:

1. The job is a safety critical position, or
2. There is reason to suspect or believe there is a violation of the policy.

Employees who fail a test, refuse to take a test, or violate this policy may be subject to disciplinary action up to and including dismissal from the College.

Contractors

Contractors or individuals working at the College through a temporary agency who are on site or expected to be on site for thirty (30) days or more may be subject to a mandatory drug screening through their temporary/contracting agency at the College's request.

12. Duty to Report Convictions

Employees are required to report any crimes for which they have been convicted under a criminal drug statute for violations occurring on College property, in a College vehicle, or off College property.

Reports of convictions must be made within five (5) days after the conviction to the area Dean or President and to the Executive Director of Human Resources.

13. Use of Tobacco and Smoking

The College is committed to providing a safe and healthy working and learning environment for students, faculty, staff, and visitors on its campus, and is therefore a Tobacco Free Campus.

Definitions:

“E-cigarette” is defined as any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

Smoking is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, including a hookah pipe, or any other lighted or heated tobacco or plant product, including marijuana, intended for inhalation, in any manner or any form. “Smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in outlined in these procedures.

Tobacco is defined as any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amount of nicotine that is manufactured, offered for sale, sold, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence

Employee Requirements

Smoking and the use of tobacco and e-cigarette products shall not be permitted on any College property, including all buildings and facilities and vehicles, owned or leased and regardless of location, walkways, recreational and athletic areas, building entrances, and parking lots.

This prohibition applies to all students, faculty, staff, and other persons on campus, regardless of the purpose of their visit.

Consequences

Consequences for violations may include fines and/or disciplinary action.

Smoking Cessation

Employees are offered ongoing tobacco cessation programs to assist and encourage individuals who wish to quit. The Tobacco-Free Policy applies to all College facilities and vehicles, owned or leased, regardless of location.

14. Heroin and Opioid Addiction and Prevention

The College is committed to promoting personal wellness and responsibility and recognizes that drug addiction is an illness of increasing concern throughout the state of Maryland and our country.

The Heroin and Opioid Education and Community Action Act requires all incoming full-time students to participate in an in-person or electronic heroin and opioid addiction and awareness training.

The law requires the College to obtain and store a supply of overdose reversing medication to be used in an emergency situation.

College police and security personnel, as well as designated administrators, are trained to recognize the symptoms of an opioid overdose, in procedures for administration of overdose reversing medications, and in the proper follow-up emergency procedures related to an opioid overdose. Further, the College makes available instruction in substance use disorders, effective treatment for substance use disorders, and pain management.

The College also follows all reporting requirements related to this Maryland

law.

Per state law, except for any willful or grossly negligent act, campus police, or other designated personnel who have been trained in use of overdose medications and who respond in good faith to the overdose emergency of a student, may not be personally liable for any act or omission in the course of responding to the emergency.

Legal References:

Drug Free Workplace Act, 1998, 41 USC §8102; Heroin and Opioid Education and Community Action Act 2017 (Start Talking Act of MD); Annotated Code of Maryland, Education Article

Cross Reference Policy 4041 Student Drug and Alcohol Policy