
Chapter: Personnel

Modification No. 001

Subject: **Drug and Alcohol Abuse Prevention**

- I. The Board of Trustees is committed to the education of students, employees, and community members regarding substance abuse prevention, detection, and treatment services; to the continuation of a collegewide substance abuse prevention program and other ongoing efforts which foster such education; and to the maintenance of a drug-free environment throughout the College.
- II. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at Montgomery College.
- III. College employees and students are subject to appropriate disciplinary action for violation of this policy, in accordance with College policies and procedures regarding employee discipline and discharge and in accordance with the student code of conduct.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: May 15, 1989

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- I. The College's Drug and Alcohol Abuse Prevention (substance abuse) program shall consist of the following:
 - A. Notification to all employees at the time of hire and annually thereafter through handbooks and other informational means:
 1. Of the College's policy on drug and alcohol abuse prevention;
 2. That the possession, use, or distribution of unlawful drugs and alcohol on its property or as part of any of its activities is prohibited;
 3. That the College will impose disciplinary sanctions on students and employees for violations of the policy, up to and including expulsion or termination of employment;
 4. Of the availability of counseling services available through the Faculty/Staff Assistance Program for those who voluntarily seek assistance;
 5. Of the educational opportunities and training programs available for all students and employees concerning the adverse effects of alcohol and drug abuse and the identification of behaviors and conduct that may be indicative of alcohol and drug abuse; and
 6. Of the treatment options available locally.
 - B. Maintaining data on the number of reported cases of drug and alcohol-related violations to assist in determining the effectiveness of programs and activities offered; and
 - C. Maintaining data on the number and type of sanctions imposed for violations of drug and alcohol-related violations for federal reporting purposes
 - D. The Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act) requires the College to conduct a written biennial review which will be coordinated by the Office of Compliance. The review is to determine the effectiveness of programs to implement any needed changes to the prevention program and to ensure that sanctions developed for violating standards of conduct are enforced consistently.
- II. Standards of Conduct for Employees
 - A. Employees should report for work fit for duty and free of any adverse effects of illegal drugs or alcohol. This does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their physicians about the medication's effect on their fitness for duty and the ability to work safely and promptly disclose restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions to supervisors, but should do so to the HIPPA Privacy Official in the Office of Human Resources, Development and Engagement.
 - B. The unlawful manufacture, sale, distribution, dispensing, possession or use of

controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by anyone on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by anyone at any College sponsored or supervised activity off campus is also prohibited.

C. Notification of Criminal Conviction

1. As required by the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments, the Maryland Higher Education Commission's Policies Concerning Drug and Alcohol Abuse Control, and as a condition of employment, employees must abide by the terms of this procedure and notify the Office of Human Resources, Development and Engagement in writing, of any criminal drug statute conviction for a violation occurring on or off Montgomery College property, no later than five calendar days after such conviction. Lack of compliance with these requirements may subject the employee to immediate disciplinary action, up to and including dismissal.
2. Upon receipt of notification of a conviction, the College will take the following actions as required by law:
 - a. Notify the appropriate federal agencies of such convictions, and
 - b. Take appropriate personnel action against the employee, up to and including termination; and/or
 - c. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

D. Consequences of Alcohol and Drug Abuse

1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on the job or on College leased or owned property is a dismissible offense and may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.
2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, employees who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, suspension, termination of employment, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment.

III. Standards of Conduct for Students

- A. Students are expected to abide by 42001 Student Code of Conduct. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by students on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by students at any College sponsored or supervised activity off campus is also prohibited.
- B. Consequences of Alcohol and Drug Abuse
 - 1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on College leased or owned property may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.
 - 2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, students who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, dismissal, suspension, disciplinary probation, community service, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued enrollment.
 - 3. The Dean of Student Development or designated instructional Dean of Workforce Development and Continuing Education should be informed in writing about any situation that should be addressed through the formal disciplinary process. The faculty or staff member will provide the Dean of Student Development with a written summary of the facts or conduct on which the referral is based within 48 hours of the incident for appropriate and effective disciplinary process, which must include the date, time, place, and a description of the incident.

IV. Responsibility

- A. The Office of Human Resources, Development and Engagement and the Office of Business Services shall collaborate to make the Drug and Alcohol Abuse Prevention (substance abuse) program known and available to all employees and manage the procedural aspects of managing cases.
- B. The Risk Management Coordinator is responsible for employee education and providing community resources on the topics of drugs and alcohol and for tracking and reporting the number of initiatives, programs and people attending to ensure programming is adequate to address the needs of employees.
- C. The Deans of Student Services are responsible for educating students on the

topics of drugs and alcohol and providing students with community resources and for tracking and reporting on the number of initiatives, programs and attendance to ensure programming is adequate to address the needs of students.

- D. The President, or designee, shall from time to time promote opportunities to educate the community regarding substance abuse prevention, detection, and available treatment options.

Administrative Approval: June 24, 2013