

Policy: 5.45

Drug and Alcohol Use (Students And Employees)

Policy on Drug and Alcohol Abuse Prevention

Kansas City Kansas Community College has established the policy that all officers, employees, and/or students at the College will be provided access to a Drug and Alcohol Abuse Prevention Program. Anyone interested in obtaining further information may contact any of the Deans, or the Director of Regional Prevention Center of Wyandotte County (RPCWC).

Standards of Conduct: Students and Employees

It is KCKCC's intention to provide a drug-free, healthy, and safe workplace and environment. To promote this goal, students and employees are expected and required to report to work and class on time and in appropriate mental and physical condition.

While part of any campus-based activity, (on or off KCKCC premises), no student or employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Any student or employee found to be engaging in such activities is in violation of the law and shall be subject to disciplinary action.

The legal use of prescribed drugs by students and employees is permitted on college premises only if it does not impair their abilities to perform effectively and in a safe manner that does not endanger other individuals in the College.

Controlled substances, illegal or prohibited drugs include, but are not limited to marijuana; alcohol; cocaine; opiates; phencyclidine (PCP); and amphetamines. This term does not include substances taken under the direction of a physician in amounts prescribed by the physician. However, the legal use of prescribed drugs by students and employees is permitted on college premises only if it does not impair their abilities to perform effectively and in a safe manner that does not endanger other individuals in the College.

Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on the performance of their duties and must promptly report to their supervisors the use of medication likely to impair their ability to do their job. Any such employee who fails to so notify his/her supervisor shall be subject to disciplinary action, up to and including discharge. Moreover, employees who take over-the-counter or prescribed medication contrary to physician or manufacturer's instructions may be subject to disciplinary action, up to and including termination.

The Drug-Free Workplace Act, requires all employees of KCKCC to notify the College of any criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction. "Conviction" means a finding of guilt (including a plea of nolo/protegere) or imposition of sentence, or both, by a judicial body charged with the responsibility to determine violation of federal or state criminal drug statutes.

Students receiving Pell grants must certify that they will not engage in unlawful manufacture, distribution, possession, or use of a controlled substance during the period covered by the Pell grant. This policy applies both on and off campus. Students must report any criminal drug statute convictions in writing, within ten days, and are subject to suspension of payments, termination of Pell grants, or debarment. If debarred, the student may be ineligible for an award of Pell funds for up to five years.

DRUG TESTING

Employees Performing Safety-Sensitive Functions

It is the policy of the College to submit its Campus Police force, Buildings and Grounds personnel, and other employees involved in safety-sensitive positions to drug and alcohol screening, including, but not limited to, pre-employment, random, post-accident, probable cause, fitness-for-duty, and return to duty testing.

Pre-Employment Testing:

Prior to the first time an employee performs his/her prescribed duties, applicants for the Campus Police force, Buildings and Grounds personnel, and other employees involved in safety-sensitive positions shall undergo testing for alcohol and controlled substances. A positive drug test result shall be sufficient basis for withdrawing an offer of employment. Only applicants who pass this screening shall be eligible for employment.

Every vacancy announcement for positions designated for applicant testing shall state:

"All applicants tentatively selected for this position will be required to submit to urinalysis to screen for illegal or prohibited drug use prior to appointment."

The applicants for the above mentioned positions will be notified that appointment to the subject position will be contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided applicants in some other manner.

Post-Accident Testing:

An employee shall undergo testing for alcohol and controlled substances immediately following an accident:

- (a) which results in physical injury;
- (b) to which, in the sole discretion of KCKCC, it appears carelessness, poor judgment or lack of alert mental faculties may have contributed;
- (c) which represents a flagrant violation of standard operating or safety procedures of KCKCC or a departure from established policies and/or procedures; or
- (d) which, in the sole discretion of KCKCC, substantially disrupts KCKCC operations.

Employees are expected to immediately report accidents to KCKCC supervisors.

Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. However, employees who fail to submit themselves to post-accident testing, within a reasonable period (not more than 24 hours) following an accident, may be subject to disciplinary action including discharge.

MISCELLANEOUS PROVISIONS

The KCKCC drug testing entity and/or testing laboratory shall release the results of an employee drug screen to the KKCC Dean of Human Resources/Affirmative Action and/or his/her designee and other agents of KCKCC whose knowledge of this information is required to make appropriate risk determinations and discipline decisions. With an employee's permission, such information may also be shared with KCKCC insurance carriers and KCKC Risk Managers. All drug testing results and information shall be deemed confidential and will not be released without an employee's consent unless compelled by court order or as otherwise permitted by law.

An employee's failure to consent to drug and alcohol screening in accordance with this policy may be considered as reason for discharge or other discipline.

An employee who does not pass a drug test administered under this policy may, at his/her own expense, request that the original urine sample be analyzed again.

Disciplinary Actions--(Students)

By definition, a student is a person enrolled in any course or program leading to the award of an academic degree, certificate, or other educational credential program at an institution of higher education.

Students who violate the terms of this policy will be reported to the appropriate law enforcement officials and may be subject to the following sanctions:

1. Placement on probationary status
2. Temporary suspension from classes and activities
3. Suspension for a semester from classes and activities
4. Required participation in a drug and alcohol intervention, counseling or treatment program at their own expense
5. Expulsion

Students subject to these penalties will be afforded all due process rights to which they are entitled by law or under current policies affecting student discipline. In addition to the above sanctions, a student may be required to meet with the Dean of Student Services. In lieu of suspension or expulsion for a first time offense, a student may be required to complete a drug/alcohol abuse intervention or treatment program as a condition of continued enrollment. The cost of completing such a program will be the responsibility of the student. Sale, manufacture, or distribution of an illicit drug will be grounds for automatic expulsion.

Disciplinary Actions--(Employees)

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment. Prior to the application of any disciplinary action, employees will be afforded all due process rights to which they are entitled as outlined in their contract, the KCKCC Policy Handbook, and/or the provisions of Kansas Law. In addition, employees may be referred to the assigned Employee Assistance Program. In lieu of termination or dismissal for first time offenses, employees may be required to complete an alcohol/drug abuse intervention or treatment program as a condition of continued employment. The cost of such program will be the responsibility of the employee. In addition such violations may also have legal consequences. Sale or distribution of an illicit drug will be automatic grounds for termination.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Those with questions concerning this policy may discuss these matters with their supervisor or the Dean of Human Resources/Affirmative Action without fear of reprisal.