

GENERAL INSTITUTION

AP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM

References:

Drug Free Schools and Communities Act Amendment of 1989 (20 U.S. Code Section 1145g);
41 U.S. Code Section 702;
34 Code of Federal Regulations Sections 86.1 et seq.;
Federal Drug-Free Workplace Act of 1988

The District is committed to providing its employees and students with a drug-free workplace and campus environment. It emphasizes prevention and intervention through education.

Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, field courses, activities, or workshops, and in any facility or vehicle operated by the District.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

All employees are required to comply with this policy as a condition of their continued employment, and any employee violating this policy will be subject to disciplinary action which may include termination. Any employee convicted under a criminal drug statute for conduct in the workplace, must report this conviction within 5 days to the Vice President for Human Resource Services and Affirmative Action.

Action

Although the District will treat violations of the Drug and Alcohol policy as serious matters that may result in disciplinary actions up to and including expulsion or termination, its first concern is for the health and safety of employees and students. The District is committed to creating an environment that promotes and reinforces healthy, responsible living, respect for community and District standards, individual responsibility, and the intellectual, social, emotional, ethical, and physical well-being of employees and students. While unsatisfactory work performance or inappropriate

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(Replaces current Palomar College Policy 108 and Procedures 109 and 110)

38 student behavior will not be tolerated, the District will encourage and assist an
39 employee or student with an alcohol- or drug-dependency or related problem to seek
40 and obtain the appropriate treatment to deal with the dependency.

41 **Employee Program**

42 The District Policy is focused on rehabilitation and recovery, not on discipline.
43 Therefore, the District will encourage and assist employees who participate in efforts to
44 deal effectively with dependency problems and will provide reasonable accommodation
45 for such participation. (Such assistance/accommodation will normally be limited to
46 granting appropriate leave when requested, continuation of medical benefits while on
47 such leave, flexible work schedules to allow attendance at required meetings, etc.)

48 Direct financial support or payment for rehabilitation treatment is not included. An
49 employee who is alcohol or drug dependent will be permitted to participate in outpatient
50 treatment/rehabilitation and inpatient treatment/rehabilitation before any final action is
51 taken as a result of violations of the prohibitions in the District policy on Drugs and
52 Alcohol. However, to protect the District from potential liability, the District may alter the
53 duties and responsibilities of an employee participating in a treatment/rehabilitation
54 program and/or may reassign the employee during that period of time.

55 **Employee Rights and Responsibilities**

56 In accordance with the Drug-Free Workplace Act of 1988, an employee must notify the
57 Superintendent/President or the Vice President for Human Resource Services in writing
58 within five (5) days of any conviction under a criminal drug statute for conduct in the
59 workplace. An employee also must notify the Superintendent/President or the Vice
60 President for Human Resource Services in writing within five (5) days of any conviction
61 of driving under the influence of alcohol or under the influence of illegal drugs occurring
62 in any workplace or while the employee is acting within the scope of employment.

63 The terms "workplace" and "scope of employment" have the same meaning as
64 described in District Policy. A conviction includes any finding of guilt, including a no-
65 contest plea, or imposition of a sentence by any judicial body. An employee convicted
66 of driving under the influence of illegal drugs, a controlled substance, or alcohol when
67 driving a District vehicle while acting within the scope of employment is subject to
68 immediate termination.

69 When an employee through self-identification or intervention of a co-worker or
70 supervisor seeks assistance for an alcohol or drug related problem, the District will
71 provide access and referral through appropriate employee assistance programs that
72 offer counseling, assistance, and treatment.

73 When an employee experiences performance problems or violates District Policy
74 related to an alcohol or drug-related problem, the District will comply with the
75 appropriate discipline policy and in accordance with District Policy will permit the
76 employee to participate in outpatient treatment and inpatient treatment before any final
77 disciplinary action is taken or the employee is dismissed.

District Rights and Responsibilities

78
79 The District has the right, upon reasonable suspicion, to ask an employee whether he or
80 she has a drug- or alcohol- related problem and to request that the employee seek
81 assistance in dealing with that problem. Reasonable suspicion includes, but is not
82 limited to, the employee appearing to be under the influence of alcohol or drugs, the
83 employee being found in possession of alcohol or suspected controlled substances, the
84 employee being involved in an accident whose nature indicates impairment of ability or
85 judgment, or the employee being involved in an incident in which a safety precaution
86 was violated or a careless act was performed. If an employee denies that such a
87 problem exists and/or refuses to seek assistance, then the employee must provide
88 reasonable explanation for the performance or behavior problem that prompted the
89 District to suspect that the employee may have a drug- or alcohol-related problem. The
90 District may then proceed with the appropriate disciplinary policy that applies to the
91 employee. However, in case of blatant violations of safety rules, drinking alcoholic
92 beverages on the job, and other overt violations of the Policy on Drugs and Alcohol or
93 when the employee has repeated violations after having had the opportunity to
94 participate in rehabilitation/treatment, the District has the right to begin the disciplinary
95 process whether or not the employee agrees to seek assistance/treatment.

Student Program

96
97 Students at Palomar College are responsible for regulating their own conduct and for
98 respecting the rights and privileges of others. Palomar students are expected to
99 conduct themselves in a manner compatible with the function of the District as an
100 educational institution and respect and obey all civil and criminal laws. Failure to abide
101 by the Rules and Regulations for Student Behavior of Palomar College is cause for
102 disciplinary action which could result in suspension or expulsion.

103 Guidelines for student conduct are set forth in the California Education Code, California
104 Administrative Code Title 5, policies of the Board of Trustees, and all civil and criminal
105 codes.

Student Rights and Responsibilities

106
107 The academic status of a student seeking assistance will not be jeopardized based on
108 the act of seeking assistance. However, seeking assistance cannot be used to change
109 or excuse the academic record of the student. Such decisions will continue to be based
110 on the student's performance in the class and changes will be made only with the
111 approval of the instructor. Details of communication between students and Referral
112 Team members will not be disclosed without the written consent of the student. If a
113 student rejects a suggestion to seek assistance, it is the student's responsibility to
114 correct the problem and/or comply with any disciplinary action imposed as a result of
115 the problem or behavior.

116 Also see BP 3550 titled Drug Free Environment and Drug Prevention Program, BP 3560
117 titled Serving of Alcoholic Beverages, and AP 7875 titled Controlled Substance and
118 Alcohol Testing.

119 Offices of Primary Responsibility: Student Services
120 Palomar College Police Department
121 Facilities
122 Human Resource Services