



ADMINISTRATIVE PROCEDURE

TITLE: Use of Alcohol, Intoxicants, and Controlled Substances

ADMINISTRATIVE PROCEDURE # 346

RELATED TO POLICY # 346

1. Definitions

- a. "Illegal drugs" under Policy 346 includes:
 - i. Marijuana, which is illegal under federal law regardless of whether it is used for medicinal or recreational purposes
 - ii. All other substances regulated under the federal Controlled Substances Act unless the substance is used consistently with a valid prescription by the person to whom it is prescribed
 - iii. Designer drugs and other mind-altering or function-altering substances (i.e., intoxicants) that have not been approved for human consumption by the federal Food and Drug Administration.
- b. "Under the influence" as used in Policy 346 means a state of alcohol or drug intoxication that impairs a person's ability to perform job duties, presents a danger to oneself or to another person or property, or results in inappropriate conduct. The College utilizes the evaluation of substance abuse professionals and abides by Oregon statutes and DOT regulations, when applicable, regarding drug and alcohol intoxication levels that constitute under the influence.
- c. "Reasonable suspicion" is a belief based on articulated observations and/or information from a reliable source concerning a person's appearance, unusual behavior, speech, breath odor, body movements, abrupt changes in pattern of conduct, or other reliable indicators that would lead a reasonable person to suspect that the person is under the influence of drugs or alcohol.

2. Violations of Policy

- a. Violation of the Alcohol, Intoxicants, and Controlled Substances Policy or this Administrative Procedure will subject the violator to discipline up to and including expulsion from classes, termination of employment, and disqualification from use of campus facilities.
- b. Any employee violating Policy 346 or this Administrative Procedure may be required to submit to an evaluation by a qualified substance abuse professional and to satisfactorily complete any treatment program recommended by a qualified

substance abuse professional as a condition of continued employment. A successfully completed drug or alcohol treatment program will not be used against an employee in other non-related matters.

- c. Students who violate the standard of conduct are subject to sanctions as outlined in the Student Code of Conduct.
- d. Campus visitors who violate the standard of conduct will be referred to the Security Department and are subject to sanctions as outlined by state and federal laws.
- e. In addition to receiving College sanctions, violators may be reported to local law enforcement. (See applicable legal sanctions in Section 8 below.)

3. Reporting

- a. Any employee may report reasonable suspicion or violation of workplace policy/procedures regarding alcohol or drug use to their supervisor, the supervisor of the employee suspected of using drugs or alcohol, the Director of Human Resources (or designee), or a Campus Security officer.

4. Testing

- a. Any employee under reasonable suspicion of violating policies or procedures regarding use of alcohol or drugs may be required by Human Resources to take a drug or alcohol test, as applicable.
 - i. Supervisors will record the basis for any reasonable suspicion.
 - ii. Human Resources will utilize the testing procedures of an external lab when a college test is going to be administered and arrange transportation to and from the test site.
 - iii. If employees refuse a lawful directive to be tested, including using a false or altered testing sample, that action will be considered a violation of this policy and will subject an employee to disciplinary action.
- b. Whenever applicable, the Douglas County Sheriff's department or other appropriate law enforcement agency may be called to take appropriate action.
- c. Whenever the College requires any testing, it will be conducted by an independent laboratory experienced and qualified to conduct such testing. No random drug testing will be done, except as required by law (e.g., DOT regulated employees).
- d. Employees with positive tests are provided with an opportunity to discuss the confirmed results with the Medical Review Officer at the external testing organization before the result is reported to the College. Lawful medication used consistent with a prescription is treated as a negative test under this policy, and employee medical information is not disclosed to the College by the testing organization.
- e. Confidentiality of testing and test results will be protected to the extent possible. Only persons with a need to know will be informed.

5. Searches

- a. When the College believes there is reasonable suspicion that an employee is in possession of drugs or alcohol in violation of this policy, personal items such as packages, bags, lunch boxes, or other items being carried on or being removed from College premises may be subject to search as permitted by law. Furthermore,

all College property such as desks, equipment, lockers, vehicles, etc., will remain the property of the College and will be subject to search at the College's discretion. Employees have no reasonable expectation of privacy in or on College property.

- b. The College will not search an employee's person, and no employee will be forcibly searched or detained by the College.
- c. Reasonable efforts will be made to respect an employee's integrity and privacy during searches; however, refusal to cooperate with lawful searches and investigations will be considered a violation of this policy and may result in discipline, up to and including termination of employment. All illegal drugs or drug paraphernalia found in or on College premises or property may be released to law enforcement.

6. Medications

- a. Employees who are lawfully using prescription medications containing controlled substances are required to consult with their healthcare provider or pharmacist to determine if the medication has side effects that may affect the employee's ability to safely and effectively perform his or her job duties. This requirement includes information regarding drug interactions.
- b. If an employee believes, or their healthcare provider believes, that the employee may be experiencing such side effects, the employee must report this to their supervisor prior to working or continuing to work under the effects of the medications.
- c. A supervisory employee may also determine that the employee appears to be experiencing side effects of medication. If these circumstances occur, the employee may be relieved of duty, at the discretion of the supervisor in conjunction with Human Resources, until the employee is able to safely and effectively perform essential job functions.
- d. An employee need not disclose the medical condition for which the medication is being taken, unless this is necessary for the College to comply with its legal obligations (e.g., granting family medical leave or making reasonable accommodations).
- e. The lawful use of prescription medications alone will not subject an employee to disciplinary action. However, failing to follow the notification procedure described above, or use of medication that is prescribed to another person or inconsistent with the healthcare provider instructions, can result in disciplinary action.
- f. The use of marijuana is unlawful under federal law, regardless of whether an employee has a prescription under state law, and its use will not be accommodated by the College. If an employee is using marijuana for a disability and believes another form of accommodation is needed, that person is encouraged to contact Human Resources to discuss available options *prior* to violating Policy 346 or this Administrative Procedure.

7. Reporting Convictions

- a. In keeping with the federal Drug-Free Workplace Act of 1988, any employee convicted of violating a criminal drug statute in or out of the workplace must notify

their supervisor and Human Resources no later than five (5) days after such conviction.

- i. If applicable, Human Resources will notify the appropriate federal granting or contracting agency within ten (10) days after receiving notice of the criminal drug statute conviction.
- ii. Upon receiving notice of an employee's conviction of a criminal drug statute occurring in or out of the workplace, the College will take appropriate action within 30 calendar days. Options include:
 1. Taking appropriate personnel action against the employee, up to and including termination (consistent with requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act)
 2. Requiring the employee to satisfactorily participate 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

8. Applicable Legal Sanctions Under Local, State, and Federal Law for Unlawful Possession, Use, or Distribution of Drugs and Alcohol

- a. In addition to College sanctions, employees who violate the College's Alcohol, Intoxicants, and Controlled Substances Policy may be referred to law enforcement for the enforcement of local, state and federal laws related to alcohol and controlled substance possession, distribution, manufacture, and illegal use.
- b. Local, state, and federal laws are very complex regarding penalties associated with alcohol and controlled substances.
 - ORS Chapter 475 - Controlled Substances (https://www.oregonlegislature.gov/bills_laws/ors/ors475.html)
 - ORS Chapter 161 - Crimes and Punishment (https://www.oregonlegislature.gov/bills_laws/ors/ors161.html)
 - Chapter 471 - Alcoholic Liquors (https://www.oregonlegislature.gov/bills_laws/ors/ors471.html)
- c. Penalties imposed by local, state, or federal courts include but are not limited to the following:
 - The minimum penalty will be a \$500 fine for possession of some "less dangerous" drugs. From that minimum, as the severity of the offense increases, the penalties increase up to \$300,000 fine and 20 years in jail.
 - A minor in possession of alcohol can result in a fine of up to \$300 with more serious offenses, such as providing alcohol to minors, carrying much more severe penalties. The penalty for providing alcohol to minors can range from a \$350 fine to a \$1,000 fine, a year in jail, and community service.
 - The most severe penalties result from accidents or incidents in which the participants are intoxicated. This category also includes those who may have supplied the alcohol to the participants.

9. Campus Events with Alcohol Service

- a. The sales and service of alcoholic beverages is regulated by the State of Oregon.

- b. Permission in writing to have alcohol served at an event must be requested a minimum of 30 days prior to the day of the event or first day of the event.
- c. The Southern Oregon Wine Institute (per Board Policy 400) has right of first refusal for all alcohol served on campus. If alcohol service is refused by the Southern Oregon Wine Institute, then SOWI can approve an OLCC- and Oregon Law-compliant outside vendor to serve.
- d. All alcoholic beverages will be served by a licensed server under the required liquor licenses of Oregon.
- e. UCC may require an on-duty Campus Security officer for the duration of event to be paid for by the user/customer.
- f. Per State law, alcoholic beverages cannot be served unless food is also provided.
- g. Alcohol must not be served within 30 minutes of the scheduled end of an event.
- h. Alcohol is allowed in designated areas only.

RESPONSIBILITY:

The Director of Human Resources, in conjunction with the Chief of Security, is responsible for implementing and updating this procedure.

NEXT REVIEW DATE:

DATE OF ADOPTION: 1/9/2018 by CC

DATE(S) OF REVISION:

DATE(S) OF PRIOR REVIEW: