

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.

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

Employee Program

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

Date Approved: SPC 10/18/2011 Revised: 5/7/2013

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

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

Employee Rights and Responsibilities

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

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.

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

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

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

District Rights and Responsibilities

The District has the right, upon reasonable suspicion, to ask an employee whether he or she has a drug- or alcohol- related problem and to request that the employee seek assistance in dealing with that problem. Reasonable suspicion includes, but is not

limited to, the employee appearing to be under the influence of alcohol or drugs, the employee being found in possession of alcohol or suspected controlled substances, the employee being involved in an accident whose nature indicates impairment of ability or judgment, or the employee being involved in an incident in which a safety precaution was violated or a careless act was performed. If an employee denies that such a problem exists and/or refuses to seek assistance, then the employee must provide reasonable explanation for the performance or behavior problem that prompted the District to suspect that the employee may have a drug- or alcohol-related problem. The District may then proceed with the appropriate disciplinary policy that applies to the employee. However, in case of blatant violations of safety rules, drinking alcoholic beverages on the job, and other overt violations of the Policy on Drugs and Alcohol or when the employee has repeated violations after having had the opportunity to participate in rehabilitation/treatment, the District has the right to begin the disciplinary process whether or not the employee agrees to seek assistance/treatment.

Student Program

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

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

Student Rights and Responsibilities

The academic status of a student seeking assistance will not be jeopardized based on the act of seeking assistance. However, seeking assistance cannot be used to change or excuse the academic record of the student. Such decisions will continue to be based on the student's performance in the class and changes will be made only with the approval of the instructor. Details of communication between students and Referral Team members will not be disclosed without the written consent of the student. If a student rejects a suggestion to seek assistance, it is the student's responsibility to correct the problem and/or comply with any disciplinary action imposed as a result of the problem or behavior. Also see BP 3550 titled Drug Free Environment and Drug Prevention Program-and BP 3560 titled Serving of Alcoholic Beverages.

Offices of Primary Responsibility: Student Services
 Palomar College Police Department
 Facilities
 Human Resource Services