

**1498.01 ALCOHOL AND ILLICIT DRUGS**

This staff procedure is intended to carry out policy D-403.00 and D-403.01 in order to comply with the 1989 amendments to the Drug-Free Schools and Campuses Act (34 CFR Part 86) and the Drug-Free Workplace Act of 1988.

**EMPLOYEES (1)**

Consistent with State and Federal Law, Northwestern Michigan College (NMC) will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances, and illicit drugs are prohibited on any property under the control of and governed by the Board of Trustees of Northwestern Michigan College, and at any site where work is performed by individuals on behalf of Northwestern Michigan College.

Pursuant to applicable College procedures governing employee discipline, any employee involved in the unlawful use, sale, manufacturing, dispensing or possession of controlled substances, illicit drugs on College premises or work sites, or while conducting business-related activities off NMC premises, or working under the influence of such substances, will be subject to disciplinary actions. Possible sanctions include:

- Suspension without pay
- Completion of an appropriate rehabilitation program
- Dismissal
- Referral for prosecution

Please refer to policy D-403.01 for guidance on the use of alcohol on and off campus.

The list of possible sanctions shall not be construed as limiting NMC's complete discretion to impose the sanction it deems appropriate or require a particular sanction to be imposed.

To help employees understand the important provisions of this policy, a drug-free awareness program has been established. The program provides information on the dangers and effects of substance abuse in the workplace, the resources available, and the consequences of violating this policy.

If employees have questions about substance dependency or abuse, they are strongly encouraged to use the resources of the Employee Assistance Program. Employees may also wish to discuss these matters with their supervisor or the Human Resources Office to receive assistance or referrals to appropriate community resources.

An employee with a drug or alcohol problem may request approval to take unpaid time off to participate in a rehabilitation or treatment program through NMC's health insurance benefit coverage, if the employee's substance abuse problem has not already resulted in disciplinary action and the employee is not currently subject to immediate disciplinary action. The time off may be granted if the employee agrees to abstain from using the problem substance; abides by all NMC policies, rules, and prohibitions relating to conduct in the workplace; and if granting the time off will not cause NMC any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify NMC of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction. Failure to provide such notice will subject the employee to discipline up to and including dismissal pursuant to applicable college procedures governing employee discipline. The employee shall notify his/her immediate supervisor, who will report the incident to the Office of Human Resources (231-995-1025).

**College obligation for notification of conviction.** Upon receipt of notification of a criminal drug statute conviction for employees, the Director of Human Resources, or appropriate executive staff member will inform, as appropriate, the Financial Aid office, the Dean for Student Services, or the Vice President for Educational Services.

Within ten (10) calendar days of the notification of a criminal drug statute conviction, the Director of Human Resources or the Vice President of Educational Services will determine whether reporting the conviction to any federal funding agency or agencies is required by the Drug-Free Workplace Act of 1988, as amended.

Within thirty (30) calendar days of receiving notice of a criminal drug statute conviction, the Director of Human Resources, or the VP of Educational Services must take steps to require: 1) that the faculty, staff, or student employee satisfactorily participates in a drug rehabilitation program, or 2) that personnel action consistent with the Rehabilitation Act of 1973, as amended, is imposed in accordance with appropriate collective bargaining agreements, employee policies, or other college procedures.

Faculty and staff with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Human Resources Office (231.995.1362) without fear of reprisal.

**Sanctions for violation or non-compliance.** Violations of this policy will result in personnel action against the employee, up to and including dismissal pursuant to college procedures relating to employee discipline.

**Maintenance of a Drug-Free Workplace** NMC must provide an annual drug-free workplace certification to appropriate Federal funding agencies, and make a good faith effort to comply with its certification to provide a drug-free workplace, and otherwise meet the requirements of the Drug-Free Workplace Act, including having a policy statement and a drug-awareness education program. The Director of Human Resources will ensure that a drug-awareness education program is provided for NMC faculty, staff, and student employees.

**Resources/assistance for employees and student employees.** NMC supports programs aimed at the prevention of substance abuse by its employees, and encourages faculty, staff, and student employees with alcohol and other drug dependency problems to obtain assistance. Leaves of absence for eligible employees to access treatment may be obtained under the medical leave provision of the appropriate collective bargaining agreement or human resource policies.

Faculty and staff with alcohol or other drug dependency problems are encouraged to contact Human Resources at 231.995.1362, the employee assistance program at 231-947-8387, community counseling centers for assistance, or visit <http://www.theagapecenter.com/Treatment-Centers/Michigan.htm> and click on Substance Abuse Treatment Facility Locator for Michigan.

**STUDENTS**

Northwestern Michigan College's compliance with provisions of the 1989 amendments to the Drug-Free Schools and Campuses Act Amendments applying to students is achieved through a comprehensive alcohol and other drug prevention program which includes policy enforcement, education programs and treatment services.

The Student Code of Conduct in the Student Handbook (see <http://www.nmc.edu/programs/catalog/2003-4/nmc-student-handbook.pdf>) prohibits the use, possession, manufacture, or distribution of controlled substances, and look-alike drugs and the use of alcoholic beverages as prohibited by NMC policies and or state law.

Alleged violations of the Student Code of Conduct are adjudicated through the NMC student judicial process (see Student Rights and Responsibilities-Process at <http://www.nmc.edu/policies/nmc/D-0402-01.pdf>). Consequences for violations may include but are not limited to the following sanctions, but are not limited to some form of disciplinary probation; required attendance at educational programs; referral for assessment and treatment; relocation to a new living environment; and suspension from Northwestern Michigan College. In addition, students can expect to be arrested and fined for violations of State Law on campus.

Northwestern Michigan College supports and sponsors programs aimed at the prevention of substance abuse by students. NMC encourages students with alcohol or drug dependency problems to contact NMC's Counseling office 231.995.1040, community counseling centers for referral services or assistance, or to visit <http://www.theagapecenter.com/Treatment-Centers/Michigan.htm> and click on Substance Abuse Treatment Facility Locator for Michigan.

**Legal Sanctions for employees and students.** There are legal sanctions under NMC regulations, local ordinances, and under state and federal law for the unlawful possession, use, or distribution of illicit drugs and alcohol. A violation under state law may result in a misdemeanor or felony conviction, depending on the nature of the offense, punishable by imprisonment, payment of fines, confiscation of real and personal property, or a combination of all three.

**Federal Penalties and Sanctions for employees and students for Illegal Possession of a Controlled Substance (2)****21 U.S.C. 844(a)**

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.  
After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

**21 U.S.C. 853(a)(2) and 881 (a) (7)**

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment.

**21 U.S.C. 881 (a) (4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

**21 U.S.C. 844a**

Civil fine of up to \$10,000 (pending adoption of final regulations)

**21 U.S.C. 853a**

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

**18 U.S.C. 922(g)**

Ineligible to receive or purchase a firearm.

**Program-Specific Requirements**

Students and staff participating in programs having specific drug and alcohol testing requirements imposed by law or governmental regulation (e.g., Aviation, Merchant Marine) shall be required to comply with the testing protocols imposed by such regulations. Violators may be subject to sanctions imposed by law or governmental regulation, in addition to NMC-imposed discipline.

**Health Risks for employees and students.** Health (and other) risks associated with the use of alcohol and other drugs include, but are not limited to: impaired academic or work performance; lost potential; absenteeism from class or work; financial problems; doing things one later regrets; conflicts with co-workers, classmates, families, friends, and others; sexual assault and other unplanned sexual relationships; unwanted pregnancies; sexually-transmitted diseases; unusual or inappropriate risk-taking which may result in physical or emotional injury, or death; blackouts; hangovers; long-term health problems including cirrhosis of the liver, organic brain damage, high blood pressure, and heart disease; and legal problems including imprisonment.

**Specific Health Risks for employees and students**

**Alcohol.** Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

**Cannabis** (Marijuana. Hashish). The use of marijuana may impair or reduce short- term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

**Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

**Cocaine/Crack.** Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

**Amphetamines.** Amphetamines can cause a rapid or irregular heartbeat, tremors, and loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

**Heroin.** Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

(1) *This procedure applies to all College employees, including but not limited to: faculty, administrative, professional, technical paraprofessionals, support staff, maintenance/custodial, supplemental, and student employees.*

(2) *Five schedules of controlled substances are defined in the comprehensive Drug Abuse Prevention and Control Act of 1970, 21. U.S.C. 812. The schedules can be found at <http://www.deadiversion.usdoj.gov/schedules/schedules.htm>.*

#### AUTHORIZATION OF STAFF PROCEDURE

Vice President for Educational Services authorization: Stephen N. Siciliano

Director of Human Resources authorization: William L. Hendry

Date authorized: 5/3/04 Effective Date: 5/3/04