

# **Drug Free Schools Biennial Review**

## **Johnston Community College Biennial Review of Compliance with the Drug-Free Schools and Communities Act 2008-2010**

I. The Drug-Free Schools and Communities Act of 1989, Public law 101-226, requires that Johnston Community College certify that it has adopted and implemented a program to prevent the possession, use or distribution of illicit drugs and alcohol by students and employees. This statement is being published to define clearly the following items set forth by the statute:

1. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any kind of academic credit, except for continuing education units, regardless of the length of the student's program of study, of:
  - description of the standards of conduct that clearly "prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities";
  - description of the applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol;
  - description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
  - description of any drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students; and
  - clear statement that the college will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.
  
2. A biennial review by the institution of its program to;
  - Determine its effectiveness and implement changes to the program if needed.
  - Ensure that disciplinary sanctions are consistently enforced.

### **Biennial Participants**

- Vice President of Student Services
- Vice President of Administrative Services
- Director of Student Activities
- Director of Human Resources
- Director of Admissions and Counseling

## **Materials Reviewed**

- College Catalog
- Drug and Alcohol Policy
- Website
- Annual Campus Crime Report
- Employee Orientation

## **II. Descriptions of Alcohol Related Program Elements**

Johnston Community College offers an alcohol and substance abuse program designed to raise awareness across the campus about policies governing alcohol and drug use. Major program elements include:

### **Alcohol and Drug Policy**

The college has developed the following alcohol and drug policy to demonstrate our continued commitment to a drug-free environment. This policy was revised and approved by the Board of Trustees on May 14, 2009. The specifics of the policy are published in the college's Personnel Manual (PM 2.17) and outlined below.

#### **General Policy**

The users of drugs or alcohol may impair the well-being of all employees, the students and the public at large; drug and alcohol uses may also result in an injury or damage to College property.

Therefore, the unlawful manufacture, distribution, possession or use of a controlled substance or of alcoholic beverages shall be prohibited while in the workplace, on College premises or as part of any College sponsored activities.

Any employee violating this Board Policy shall be subject to disciplinary action up to and including termination and referral for prosecution.

#### **Policy Provisions**

##### **Drug Usage**

The College shall not differentiate between drug users, drug pushers or sellers. Any employee who possesses, uses, sells, gives or in any way transfers a controlled substance to another person, or manufactures a controlled substance while in the workplace, on college premises or as part of any college sponsored activity, or reporting to work under the influence of alcohol or illegal drugs or any other substance, legal or otherwise, that may impair the employee's ability to perform their job shall be subject to disciplinary action up to and including termination and referral for prosecution.

The term "controlled substance" shall mean any drug in 21 CFR 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, these are drugs which have a high potential for abuse. Such drugs shall include, but are not limited to: Heroin, Marijuana, Cocaine, PCP, "Crack," Methamphetamine and any other hallucinogenic, narcotic, synthetic or illegally manufactured substances. They also include "legal drugs" which are not prescribed by a licensed physician.

Any employee convicted of violating any criminal drug statute while in the workplace, on College premises, or as part of any College sponsored activity, shall be subject to disciplinary action up to and including termination.

Johnston Community College reserves the right to require an employee to submit to an alcohol/drug test at any time there appears to be reasonable cause or suspicion that the employee may be under the influence of alcohol, illegal drugs, or other intoxicant. This includes, but is not limited to observations by college officials of apparent workplace use, possession or impairment. Reasonable cause or suspicion may also include post accident testing resulting in the employee receiving medical treatment or being involved in a property damage accident resulting in more than minimal damage. Also, the College may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution as a precondition for continued employment by the College.

The Vice President of Administrative Services shall be consulted before sending an employee for testing.

Each employee shall be required to inform the College, in writing, within five (5) days after being convicted for violation of any federal, state or local criminal drug statute where such violation occurred while in the workplace, on College premises or as part of any college sponsored activity. A conviction shall mean a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

#### **Federal Grant Provisions**

Convictions of employees working under federal grants, for violating drug laws in the workplace, on College sponsored activity, shall be reported to the appropriate federal agency.

The Human Resources Officer shall be expected to notify the U.S. government agency, with which the grant was made, within ten (10) days after receiving notice from the employee or otherwise receives actual notice of a violation of a criminal drug statute occurring in the workplace.

The College shall take appropriate disciplinary action within thirty (30) calendar

days from receipt of notice. As a condition of further employment on any federal government grant, the law requires all employees to abide by this policy.

Students employed under the College Work Study Program shall be considered to be employees of the College, if the work is performed for the College.

For work performed for a federal, state or local public agency, a private nonprofit agency or a private for-profit company, students shall be considered to be employees of the College unless the agreement between the College and the organization specifies that the organization is considered to be the employer.

Students employed under the College Work Study Program are considered to be employees of the College, if the work is performed for the College in which the student is enrolled. For work performed for a federal, state, local public agency, a private nonprofit or a private for profit agency, students are considered to be employees of the College unless the agreement between the College and the organization specifies that the organization is considered to be the employer.

The service, possession and consumption of alcoholic beverages are regulated by the North Carolina General Statutes, City/County codes and policies of the College. All members of the College community are obligated to obey these laws, rules, ordinances and policies. The College does not have the right or authority to alter the laws and ordinances or secure exemption from them.

### **Drug and Alcohol Policy Published in the College Catalog**

The drug and alcohol policy PM 2.17 is more employee focused than student focused. The policy outlined in the College Catalog uses the same language from PM 2.17 but more clearly defines the expectations of students and the consequences of violating the policy based on the Student Code of Conduct. The text from our College Catalog is included below:

The users of drugs or alcohol may impair the well-being of all employees, the students and the public at large; drug and alcohol uses may also result in an injury or damage to College property.

Therefore, the unlawful manufacture, distribution, possession or use of a controlled substance or of alcoholic beverages shall be prohibited while on College premises or as part of any College-sponsored activities.

Any student violating this policy shall be subject to disciplinary action up to and including expulsion and referral for prosecution.

#### **Policy Provisions**

##### Drug Usage

The College shall not differentiate between drug users, drug pushers or sellers. Any student who possesses, uses, sells, gives or in any way transfers a controlled substance to another person, or manufactures a controlled substance while on college premises or as part of any College-sponsored activity shall be subject to disciplinary action up to and including expulsion and referral for prosecution. Any student who is in a state of intoxication or any influence which may be attributed to the use of drugs or of alcoholic beverages shall not in any way limit the responsibility of the individual for the consequences of his or her actions and will be subject to disciplinary actions.

The term “controlled substance” shall mean any drug in 21 CFR 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, these are drugs which have a high potential for abuse. Such drugs shall include, but are not limited to: heroin, marijuana, cocaine, PCP, “crack”, methamphetamine and any other hallucinogenic, narcotic, synthetic or illegally manufactured substances. They also include “legal drugs” which are not prescribed by a licensed physician.

Any student convicted of violating any criminal drug statute while on College premises or as part of any College-sponsored activity shall be subject to disciplinary action up to and including expulsion.

The Vice President of Students Services may require the student to successfully finish a drug abuse program sponsored by an approved private or governmental institution as a precondition for continued enrollment at the College.

Each student shall be required to inform the Office of the Vice President of Student Services, in writing, within five (5) days after being convicted for violation of any federal, state or local criminal drug statute where such violation occurred while on College premises or as part of any College sponsored activity. A conviction shall mean a finding of guilt (including a plea of no contender) or the imposition of a sentence by a judge or jury in any federal or state court.

#### Federal Grant Provisions

Students employed under the College Work Study Program shall be considered to be employees of the college, if the work is performed for the college. In addition, for work performed for federal, state or local public agency, a private nonprofit agency or a private for-profit company, students shall be considered to be employees of the College unless the agreement between the College and the organization specifies that the organization is considered to be the employer. Students considered employees of the College should refer to the Drug and Alcohol Policy 2.17 in the College’s Personnel Manual.

Additional information regarding the laws and penalties for illegal use as well as abuse, addiction and prevention information can be found on the college’s Web site under Consumer Information at

<http://www.johnstoncc.edu/consumerinformation.aspx>

Jurisdiction of this Drug and Alcohol Policy shall extend to every student currently enrolled for any course(s) at the College, every currently employed full-time and part-time faculty and staff employee and every public citizen who is invited to the campus or who chooses to come to campus. The jurisdiction shall also extend to all properties and facilities owned or operated by the College or which the College uses in connection with College programs and services.

### Student Code of Conduct

The College reserves the right to maintain a safe and orderly educational environment for students and staff. Therefore, when in the judgment of College officials, a student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be taken to restore and protect the sanctity of the community.

Students are expected to conduct themselves in accordance with generally accepted standards of scholarship and morality. The purpose of this code is not to restrict student rights but to protect the rights of individuals in their academic pursuits. The following regulation relating to alcohol and drug use is set forth in the Student Code of Conduct:

“Possession of or use of alcoholic beverages or being in a state of intoxication on the College campus or at College sponsored or supervised functions off-campus or in College owned vehicles. Possession, use or distribution of any illegal drugs, except as expressly permitted by law. Any influence which may be attributed to the use of drugs or of alcoholic beverages shall not in any way limit the responsibility of the individual for the consequences of his or her actions.”

### Legal Sanctions

The use of illicit drugs by any person is illegal under both the state and federal statutes. The use of alcohol by persons under 21 years of age is illegal under state law. Penalties and sanctions for conviction under state and federal law include incarceration and fines. Federal student loans and grants may be denied to those convicted for a violation of a criminal drug statute.

State and federal legal sanctions for violations of drug and alcohol laws can be found on the college website at <http://www.johnstoncc.edu/pdfs/FederalPenaltiesandSanctions.pdf> and <http://www.johnstoncc.edu/pdfs/NorthCarolinaAlcoholLaws.pdf> and <http://www.johnstoncc.edu/pdfs/FederalTraffickingPenalties.pdf> (See Appendix A) This information is also available in Student Services and the Office of Human Resources.

### Health Risks Associated with Illicit Drug Use and Alcohol Abuse

The use of drugs and alcohol can have a substantial and detrimental effect on an individual's health. Descriptions of health risks related to alcohol abuse and the use of illicit drugs can be found at <http://www.johnstoncc.edu/pdfs/drugsofabusechart2.pdf> (See Appendix B) This information is also available in Student Services and the Office of Human Resources.

### Clery Act – Reported College Sanctions

	On Campus			Non-campus			Public Property		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Liquor Law Arrest	0	0	0	0	0	0	0	0	0
Liquor Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	1	1	1	0	0	0	0	0	0
Drug Law Arrests referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

\*Workforce Development Center opened fall 2005

### **ACA 111 and 115 College Orientation Courses**

ACA 111, ACA 115, or ACA 122 are College Student Success courses that are required courses for graduation. During these courses the Drug and Alcohol Policy is reviewed.

### **Student Activities**

Student Government Association hosted a drunk driving simulator called “Save a Life” in 2009 and 2010 to show the dangers of driving under the influence and show that there are alcohol-free alternatives. This simulator gave the students a realistic perspective of the effects of driving while intoxicated. This program also incorporated high intensity videos which played during the demonstration.

All student activities are alcohol-free events. There are a number of student activities throughout the year that encourage student participation while in a fun alcohol-free environment. A sample of student activities that took place over the last two years include fall fests, spring flings, club month activities, clearly crystals, comedians, speakers, etc. (See Appendix C for description of Student Activities)

In addition, our Community Development and Lifelong Learning Division offer a number of safe driving courses. “Alive at 25” is a program that if you have been charged with one of the traffic violations listed below, the Alive at 25 (Yellow School) Defensive Driving Program may prevent the assessment of insurance points or premium surcharges on your insurance policy and/or points on your driver's license. Also, “StreetSafe” is a 4.5 hour course that is taught by law enforcement and fire personnel. Under their supervision, students witness and experience: Speed Control, Tailgating, Distractions, Alcohol Education, and Seltbelt Convincer. There are also discussions for both young drivers and their parents with Court Officials.

### **Participation in a North Carolina Health and Wellness Trust Fund Grant administered by East Carolina University**

Johnston Community College is participating with ECU and a number of other two and four year colleges and universities on a tobacco awareness campaign and tobacco free

campus campaign. We have hosted a number of activities on campus promoting the Quitline and the harmful effects of tobacco products. We have also strengthened our smoking policy which now only allows smoking in limited designated smoking areas on campus.

### **III. Counseling Services**

The counseling staff at Johnston Community College provides educational, vocational/career, and personal/social counseling services. Counseling is available for all prospective and current students. JCC encourages faculty, staff, and students with alcohol or other drug dependency problems to contact Student Services or community counseling centers for referral services or assistance.

In addition, a Health Resources brochure rack is located outside of Student Services with informational resources on alcohol and drug use.

### **IV. Policy Distribution**

All employees have access to email. Each student and employee receives a broadcast email notification to review all the college, Federal and State policies related to alcohol and drug use. Attachments of the policies are included. (See Appendix D) Also, the complete text of the Alcohol and Drug Policy of Johnston Community College is printed and can be obtained from the Offices of the Vice President of Student Services and the Human Resources Director. Additionally, each new student receives a copy of the College Catalog and can access the on-line College Catalog that describes college policy prohibiting the unlawful use of alcoholic beverages and the possession or sale of illegal drugs. The catalog outlines policies that govern the use of alcohol on campus and penalties for violations.

Each student and employee is emailed a copy of the [Campus Crime Report](#) annually that includes a statement about the College's Drug and Alcohol Policy and well as provides a link to information on drug and alcohol abuse education. A hard copy of the newsletter is also distributed throughout campus. (See Appendix E)

In addition, the drug and alcohol policy, state and federal sanctions guidelines, drug use and effects table, and resources for assistance are posted on the college's website on the General Information page under [Consumer Information](#) and the Current Students page under [Drug and Alcohol Policy](#). (See Appendix F)

The college's Human Resources Department provides the complete alcohol and drug policy statement to each new employee when hired.

### **V. Recommendations**

After review of the college's alcohol and other drug policies and programs, the primary recommendations are as follows:

- Continue to improve communication and coordination of campus AOD programs
- Continue to improve the distribution of AOD policies to all students, faculty, and staff
- Increase the number of student activities focusing on drug and alcohol issues
- Incorporate AOD policies and resource information into employee orientation program.

## **VI. Federal Compliance**

Johnston Community College certifies that it has adopted and implemented a program to prevent "the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" on campus property or as part of any campus activity.

Additionally, the College has:

- developed a written policy on alcohol and other drugs;
- implemented a process that ensures policy distribution to all students, staff and faculty;
- outlined health risks associated with alcohol abuse and illicit drug use;
- described federal, state and local sanctions for unlawful possession or distribution of illicit drugs and alcohol;
- designed and implemented drug and alcohol programs on campus;
- specified disciplinary sanctions imposed on students and employees for policy violations; and
- conducted a biennial review of the effectiveness of its drug and alcohol programs.