



Category
DRUG-FREE CAMPUS – 5:03:00:00
Approval
Leadership Council Approved: December 13, 2004
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Responsible Party: Executive Director of Human Resources

I. PURPOSE

This statement is being distributed to all Motlow State Community College employees and students in compliance with the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et. seq.) and the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3171, et. seq.).

It is the policy of Motlow State Community College that the unlawful manufacture, distribution, possession, or use of alcohol and/or illicit drugs on the Motlow State Community College campus, on property owned or controlled by Motlow State Community College, or as part of any activity of Motlow State Community College is strictly prohibited. All employees and students are subject to applicable federal, state and local laws related to this matter. Additionally, any violation of this policy will result in disciplinary actions as set forth in Section III of this policy.

II. LEGAL SANCTIONS

Various federal, state and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell or possess controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved, the number of prior offenses, if any, whether death or serious bodily injury resulted from the use of such substance, and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment; a fine of up to \$4,000,000 if an individual; supervised release; any combination of the above; or all three. These sanctions are doubled when the offense involves either:

1. distribution or possession at or near a school or college campus or,
2. distribution to persons under 21 years of age.

Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; if there is an exchange between a minor and an adult at least two years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. Section 39-17-417. (21 U.S.C. Section 801, et. seq.; T.C.A. Section 39-17-417).

It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his employment), or consume alcoholic beverages, wine, or beer. Such offenses are classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than

\$2,500, or both. (T.C.A. Sections 1-3-113, 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified as a Class A misdemeanor (T.C.A. Section 39-15-404). The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A. Section 39-17-310).

III. INSTITUTIONAL SANCTIONS

Motlow State Community College will impose the appropriate sanction(s) on any employee or student who fails to comply with the terms of this policy.

A. Employees

As a condition of employment, each person employed by Motlow State Community College must abide by the terms of this policy, and must notify his or her department head or supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. A conviction includes a finding of guilt, a plea of nolo contendere, or imposition of a sentence by any state or federal judicial body. Possible disciplinary sanctions for failure to comply with this policy, including failure to notify of conviction, may include one or more of the following:

1. Termination
2. Suspension without pay
3. Mandatory participation in, and satisfactory completion of a drug or alcohol abuse program, or rehabilitation program
4. Recommendation for professional counseling
5. Referral for prosecution
6. Letter of warning
7. Probation

B. Students

Possible disciplinary sanctions for failure to comply with the terms of this policy may include one or more of the following:

1. Expulsion
2. Suspension
3. Mandatory participation in, and satisfactory completion of a drug or alcohol abuse program, or rehabilitation program
4. Referral for prosecution
5. Probation
6. Warning
7. Reprimand

IV. HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS & THE ABUSE OF ALCOHOL:

There are many health risks associated with the use of illicit drugs and the abuse of alcohol including organic damage; impairment of brain activity, digestion, and blood circulation; impairment of physiological processes and mental functioning; and, physical and psychological dependence. Such use during pregnancy may cause spontaneous abortion, various birth defects or fetal alcohol syndrome. Additionally, the illicit use of drugs increases the risk of contracting hepatitis, AIDS and other infections. If used excessively, the use of alcohol or drugs singly or in certain combinations may cause death.

V. AVAILABLE DRUG & ALCOHOL COUNSELING, TREATMENT, REHABILITATION PROGRAMS & EMPLOYEE ASSISTANCE PROGRAMS:

A. Employees

Full-time employees should contact the State of Tennessee Employee Assistance Program by calling toll free, 24 hours a day, 365 days a year, to Magellan Health Services at 1-800-308-4934.

- B. Students and all other employees should contact the Centerstone information and referral service by calling 888-291-4357, or the Mental Health Center in the area where the individual resides.