



Asheville-Buncombe Technical Community College

(A-B Tech) Procedure

Procedure 113: Drug and Alcohol Procedure

General Prohibition

A-B Tech is committed to providing a drug-free learning and working environment. From a safety perspective, the use of drugs or alcohol may impair the well-being of students, employees, and visitors, interfere with the College's educational environment, and result in damage to College property. Therefore, it is the College's policy that the unlawful manufacture, distribution, dispensation, possession, or use of Alcohol, illegal or unauthorized Controlled Substances or Impairing Substances are prohibited at any College Location by College students and employees.

A-B Tech complies with the Drug Free Workplace Act and the Drug Free Schools and Campuses Act (DFSCA) and applicable Department of Education requirements by instituting the following practices:

1. The College will conduct an annual review of the effectiveness of the Drug and Alcohol Abuse Prevention Program (DAAPP). This activity will be the responsibility of the Vice President for Student Services, Vice President of Human Resources and Organizational Development, or designee. The review will be completed by June 30 of each year so that this information may be used to revise the DAAPP for optimum effectiveness.
2. Annual review information will be compiled to produce a biennial review as required by the Department of Education and the DFSCA.

Definitions

Alcohol: means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

College Location: means in any College building or on any College premises; in any College-owned vehicle or in any other College-approved vehicle used to transport students/employees to and from College or College activities; and off College property at any College-sponsored or College-approved activity, event or function, such as a field trip or athletic event, where employees and students are under the College's jurisdiction.

Controlled Substance: means any substance listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, the term means any drug which has a high potential for abuse and includes, but is not limited to: heroin,

marijuana, cocaine, PCP, GHB, methamphetamines, and crack. This term also includes any drugs that are illegal under federal, state or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption. The term also applies to improper use of over-the-counter medication.

Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug and alcoholic beverage statutes.

Impairing Substances: means any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs.

Reasonable Suspicion: is the legal standard required before the College can require a student or employee, except safety-sensitive employees, to take a drug or alcohol test. Some of the factors that constitute reasonable suspicion are: a) direct observation of drug use or possession; b) direct observation of the physical symptoms of being under the influence of drugs; c) impairment of motor functions; d) pattern of abnormal or erratic conduct or behavior; or e) reports from reliable sources or credible sources (anonymous tips may only be considered if they can be independently corroborated).

Safety-Sensitive Employee: means employment positions where the duties involve such a significant risk of injury to others that even a momentary lapse of attention can have disastrous consequences or positions where a single slip-up may have irremediable consequences; the employee will have no chance to recognize and rectify the mistake, nor will other personnel have an opportunity to intervene before harm occurs.

The following positions are designated as safety-sensitive:

- a. All A-B Tech Police employees except those who perform purely administrative, office duties.
- b. All Facilities and Plant Operations employees who:
 - i. As part of their routine, required job duties, must drive a motor vehicle on a regular basis. The requirement of driving as a job duty must be part of the employee's primary job duties and such driving is done on a regular basis and not simply an employee who might on occasion be asked to drive; and/or
 - ii. While performing their required job duties, are subject to little to no direct supervision and work alone.

Students

1. No student shall distribute, dispense, possess, use or be under the influence of Alcohol, illegal or unauthorized Controlled Substance or Impairing Substance at a College Location at any time. The exceptions to this general rule are:
 - a. Consumption and possession of alcohol is permitted for authorized viticulture/enology courses and brewing, distillation, and fermentation courses.
 - b. Consumption and possession of alcohol is permitted for the purpose of conducting scientific, chemical, pharmaceutical, mechanical, industrial, and educational research so long as directed or supervised by an instructor.
 - c. Consumption and possession of alcohol is permitted as part of a culinary class pursuant to an established curriculum.

2. A student's legal use of prescribed or over-the-counter drugs is not a violation of policy only if such use does not endanger the student or others and it does not interfere with student learning or participation in student-related activities. Students shall be held strictly accountable for their behavior while under the influence of prescribed drugs or over-the-counter drugs.
3. Any student who manufactures, possesses, uses, sells, gives, or in any way transfers a Controlled Substance or Impairing Substance while at a College Location will be subject to disciplinary action up to and including expulsion and referral for prosecution, and possible legal sanctions.
4. A-B Tech hosts an Addition, Recovery, and Coping (ARC) program for students during the spring semester. This program is open to all students, but may be required for students in violation of this policy as a first level disciplinary sanction. Additional educational materials, programs, and other resources are available through both our Student Life and Support Services departments.
5. Instructors have the discretion to determine whether a student may be under the influence of drugs or alcohol. If the instructor suspects a student is under the influence of drugs or alcohol, he or she has the authority to contact A-B Tech Police to remove the student from the classroom. Instructors must notify the Vice President for Student Services or designee of this alleged violation of Code of Student Conduct as soon as possible.
6. A-B Tech complies with applicable Department of Education requirements by taking the following steps, as they apply to students:
 - a. Prepares the College's Drug and Alcohol Abuse Prevention Program (DAAPP) for annual distribution to all currently enrolled students.
 - b. Publishes the Drug and Alcohol Policy and Procedures on the website and establishes an annual email notification to students with a link to the online documents.
 - c. Incorporates information about drug and alcohol Policy and Procedures in New Student Orientation.
 - d. Reserves the right to search the student, vehicle, and/or personal property of student when on College property or other location where instruction occurs, consistent with applicable law.
7. A student who violates the terms of this policy will be subject to disciplinary action in accordance with the Code of Student Conduct and Student Due Process policies and procedures. The Vice President for Student Services or designee may require any student who violates the terms of this policy to satisfactorily participate in a drug abuse awareness program or other sanctions as listed below. For more severe infractions, the student may be required to complete an off-campus drug or alcohol abuse rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued enrollment at the College. The following sanction options may include, but are not limited to, the following:
 - a. Determination of disciplinary Warning, Probation, or Suspension.
 - b. Complete a drug and alcohol use assessment in order to identify the student's current level of use and to identify appropriate service recommendations.
 - c. Required to attend one or more collegiate recovery group and/or a community recovery event.
 - d. Mandatory counseling focusing on drug or alcohol abuse.

- e. Referral for offsite formal clinical assessment and treatment.

Employees

Notice to Employees

A-B Tech complies with the Drug Free Workplace Act and applicable Department of Education requirements by taking the following steps, as they apply to employees:

1. Prepares the College's Drug and Alcohol Abuse Prevention Program (DAAPP) for annual distribution to all employees.
2. Publishes the Drug and Alcohol Policy and Procedures on the employee Portal page and established an annual email notification with a link to the online documents.
3. Incorporates information about the Drug and Alcohol policy and procedures in New Employee Orientation.
4. Offers an Employee Assistance Program (EAP), which includes drug and alcohol information, short-term counseling, and referrals.
5. Notifies employees of their obligation to inform the Human Resources Department of any conviction of a criminal drug violation in the workplace (see below).
6. Maintains a process for notifying the contracting or granting agency within ten days of receiving notice that a covered employee has been convicted of a criminal drug violation that occurred while on the College's premises or while participating in a work-related activity. Conducts a thorough and timely assessment regarding internal consequences for such conviction.
7. Reserves the right to search the person, vehicle, and/or personal property of employees when on College property and/or while on duty regardless of location, consistent with applicable law.
8. Establishes a separate file in the Human Resources Department where employee drug/alcohol information is maintained. The confidentiality of any medical issues discussed is protected as required by law, and this information will only be shared on a legitimate need-to-know basis or when required by law.
9. Consistent with the Drug Free Workplace Act, employees are required to:
 - a. Sign a Drug-Free Workplace Statement as a condition of employment.
 - b. Abide by all terms of the Drug and Alcohol Policy and Procedures.
 - c. Notify the Human Resources Department in writing, within five calendar days after conviction of a criminal drug violation that occurred while on the College's premises or while participating in a work-related activity.
 - d. Participate in the Employee Assistance Program and/or complete a treatment program, if required by the College as a condition of continued employment.
 - e. The legal use of prescribed or over-the-counter drugs is permitted on the job only if it does not impair the employee's ability to perform the job effectively and in a safe manner, and that does not endanger the employee or others in the workplace or interfere with student learning or services.

If an employee needs to take a prescribed or over-the-counter drug that may impair his/her judgment or performance in any way, the employee is required to notify the immediate supervisor before working. It is the employee's responsibility to use appropriate College

procedures (i.e. request sick leave) if any use of legal drugs presents a safety risk. Any medical issues discussed will be kept in confidence according to legal requirements.

Employee Assistance Program/Substance Abuse Treatment

A-B Tech encourages the identification and treatment of alcohol and chemical dependency in its early stages before work is affected. Toward this end, the College retains the services of an Employee Assistance Program (EAP) to assist employees who request help with substance abuse. Employees will not be disciplined, demoted, or terminated for seeking professional counseling and/or treatment to recover from an alcohol or chemical dependency. However, employee performance and work behavior will continue to be evaluated consistent with the College's expectations and requirements.

Drug/Alcohol Screening

A-B Tech maintains a drug/alcohol screening program consistent with legal requirements. All drug/alcohol screening is conducted by an approved laboratory identified by the College and in accordance with the NC Controlled Substance Examination Regulation Act and all testing shall comply with the Controlled Substances Examination Regulation, 13 NCAC 20.0101 *et seq.* All drug/alcohol screens must be approved by, and coordinated through, the Human Resources Department, except those required after hours, which must be approved and coordinated by the A-B Tech Police Department. The Human Resources Department shall be required to maintain all records associated with the College's drug/alcohol screening program.

Drug and/or alcohol testing occurs under the following circumstances:

1. *Pre-Employment.* Pre-employment drug screens are required for employees in safety-sensitive positions and/or College programs where such screening is a requirement for placement at a clinical or other site.
2. *Post-Accident.* When there is Reasonable Suspicion that drug and/or alcohol use or impairment may have contributed to the accident or incident, a post-accident drug/alcohol screen is required for any employee. The College will arrange transportation for the employee to the screening location and then home, if necessary to ensure the employee's safety. If the employee refuses to participate in the drug and/or alcohol screening, it will result in a positive test.
3. *Reasonable Suspicion.* A supervisor, with agreement of the next level supervisor, senior administrator, College police or security officer, and/or Human Resources Department, may require an employee to participate in drug and/or alcohol screening when the screening is based on Reasonable Suspicion. If the employee refuses to participate in the drug and/or alcohol screening, it will result in a positive test.
4. *Safety-Sensitive Positions.* Individuals employed in safety-sensitive positions are subject to random drug/alcohol screens. Each quarter, using a computer-based number generator, the College will randomly select five percent (5%) of the eligible pool subject to random testing. Once the employees are selected, the College will immediately arrange transportation for the employees to the testing site. If an employee is absent from work on the day his/her number is selected, that employee will be tested with the next group of selected employees the next quarter. If the employee is selected and refuses to participate in the drug and/or alcohol screening, it will result in a positive test.

Participation in College - Sanctioned and other Work-related Activities where Alcohol Is Served.

1. When an employee and/or guest attend a College-sanctioned or work-related activity where alcohol is served, each individual is expected to use good judgment with regard to the amount of alcohol consumed and the legal requirements for safely driving away from the activity. Under no circumstances may an individual under the age of 21 hold or drink an alcoholic beverage on the College's premises or work-related activity at another location.
2. When the activity is hosted by A-B Tech, the College will arrange for alternate transportation to assist an impaired employee and/or guest in getting home safely when the need is brought to the attention of the A-B Tech employee in charge of the activity. In all situations, each employee and/or guest is responsible for their own behavior and any resulting consequences.
3. When an employee is chaperoning students during an off-site activity, she or he has an obligation to inform the students that the College's Drug and Alcohol policy is still in effect. Knowingly permitting a student to consume alcohol, except as specifically allowed by the Drug and Alcohol Policy, may result in disciplinary action or dismissal, depending on the College's interpretation of the circumstances and/or legal requirements.

Consequences for Violating Policy/Procedures

1. Violations of this policy or procedures and/or a confirmed positive drug/alcohol screen may result, at A-B Tech's sole discretion, in disciplinary action and/or dismissal of any employee, depending on the College's interpretation of the circumstances and subject to Policy 509.02, Employee Due Process. Violations may also result in legal consequences, as A-B Tech will notify the appropriate authorities whenever warranted.
2. At its sole discretion, in lieu of or in addition to taking disciplinary action against an employee, the College may require the employee to satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program. If an employee refuses to seek treatment when required, does not respond to treatment, and/or there are indications that the drug or alcohol dependency persists, the situation will be handled by the College like any other event which adversely affects job performance.
3. An employee who refuses to submit to a drug or alcohol screen that is consistent with the above criteria, adulterates or dilutes the specimen/sample, substitutes the specimen/sample with that from another person, sends an imposter, refuses to sign the required consent forms, and/or refuses to cooperate in the screening process in such a way that it prevents completion of the examination, will be dismissed subject to Policy 509.02, Employee Due Process, when applicable.

Requirements for A-B Tech and Third-Party Events when Alcohol is Served

At A-B Tech events, and events held on A-B Tech property by third parties, the following guidelines shall apply when alcohol is served:

1. Only beer and wine may be served at non-college sponsored events.
2. Alcoholic beverages may be served no more than one (1) hour before food for the main event is served.

3. Events at which alcoholic beverages are served may last no longer than three (3) hours.
4. For events that do not precede a meal function, serving heavy hors d'oeuvres, with at least two (2) hot hors d'oeuvres, is required.
5. Service of alcoholic beverages must be discontinued fifteen (15) minutes prior to the anticipated end of the event.
6. When serving alcoholic beverages, a "Request to Serve Alcohol" application, provided by A-B Tech, must be completed and returned ten (10) full business days prior to the event.
7. An entity hosting a ticketed, fundraising event, including A-B Tech internal events, must apply and be approved for a one-time permit to serve alcohol pursuant to N.C. Gen. Stat. § 18B-1002(a)(5). This permit must be received by A-B Tech no later than five (5) full business days prior to the event date. Failure to obtain, or deliver, this permit will result in alcohol being banned from the event.
8. Alcoholic beverages must be served/consumed only in the area designated for the event. It is not permissible for individuals to take alcoholic beverages from that area.
 - a. Violation of this policy may lead to the termination of the event by an A-B Tech staff person and/or A-B Tech Police.
 - b. Bartenders and/or Catering Services must be licensed to serve alcohol. They shall provide proof that their staff has been adequately trained to recognize the early signs of intoxication in patrons. Staff must also be trained to exercise adequate intervention techniques to reduce or stop patrons' alcohol intake. Bartenders and/or Catering Services shall provide, in writing, intervention techniques, along with a copy of the liquor/serving license, appropriate insurance coverage, and a list of names, addresses, and ages of those who will distribute the alcohol. This documentation must be provided to A-B Tech Event Coordinator at least ten (10) business days prior to the event. Food and non-alcoholic beverages MUST be made available at all events where alcohol is distributed. Events held on the Victoria Road campus under the provisions of the Mission Health/A-B Tech Conference Center Memorandum of Understanding are exempt from guideline (g). Servers must be at least eighteen (18) years of age.

 No one under the age of twenty-one (21) will be allowed to consume alcohol at an A-B Tech event or event held on A-B Tech campuses. Sponsoring group will need to provide the A-B Tech Event Coordinator with detailed procedures to be followed to prevent service to minors (this is submitted with the "Request to Serve Alcohol" application).
 - c. A-B Tech Police must be notified at least ten (10) days in advance of the date and time of all events at which alcohol is to be served. A-B Tech Police will provide security coverage. The sponsoring organization will be responsible for any additional costs associated with that coverage.
 - d. If requested, guests must provide photo identification for proof of age before being served.
 - e. No one under the age of twenty-one (21) may sign a Facilities Usage Agreement for an event where alcohol will be served.
 - f. At an event, if anyone is found to have provided an alcoholic beverage to an underage person, A-B Tech Police will respond.

- g. Any member of the College community found to be in violation of the College alcohol policy shall be subject to disciplinary actions by the appropriate College office. A-B Tech departments require the approval and signature of the College President if students are to be present at the event.
- h. Refer to Policy 308, Use of Facilities, for more information regarding third party events on College property.

References:

Reviewed by College Attorney, March 30, 2021

Approved by ELT, September 15, 2015, April 12, 2017, July 19, 2017, August 30, 2017, and April 14, 2021

Owners: Vice President, Human Resources & Organizational Development and Vice President for Student Service

Please see:

Request to Serve Alcohol on Campus

Request to Host Event with Alcohol on Campus

Updated: September 14, 2022