



**Drug and Alcohol Abuse  
Prevention Program  
(DAAPP)**

**For Students and Employees**

**Biennial Review Period: August 2020 to July 2022**

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## **Asheville-Buncombe Technical Community College**

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) requires an Institution of Higher Education (IHE) such as Asheville-Buncombe Technical Community College (A-B Tech), to certify that it has implemented programs to prevent the abuse of alcohol, use and/or distribution of illicit drugs both by A-B Tech students and employees either on its premises and as a part of any of its activities. At a minimum, an IHE must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees; (see [Appendix A](#) for the Drug and Alcohol Policy and Procedures, [Appendix B](#) for the Code of Student Conduct Policy and Procedures, and [Appendix D](#) for the Threat Assessment Policy and Procedures)
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol (see [Legal Sanctions](#) on page 7);
- A description of the health risks associated with the use of illicit drugs and alcohol abuse (see [Health Risks](#) on page 8);
- A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students (see [Drug and Alcohol Programs](#) on Page 13); and
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct or law (see [Disciplinary Sanctions](#) on Page 15).

### **I. Standards of Conduct Overview**

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 of 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 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:
  - 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

- While performing their required job duties, are subject to little to no direct supervision and work alone.

### ***Limited Immunity***

A-B Tech realizes that individuals may be hesitant to report to College officials or participate in the resolution process because they fear that they themselves may be accused of policy violations, such as underage drinking or being under the influence of drugs and alcohol at the time of the incident. To encourage individuals to receive appropriate help for various circumstances and to encourage reporting, limited immunity will be provided in the following incidents:

1. Sexual misconduct: The College offers the reporting party and witnesses limited immunity from minor drug and alcohol policy violations. (Refer to the Sexual Misconduct Policy 112)
2. Substance misuse treatment: The College offers the reporting party limited immunity when seeking treatment assistance for an addiction. Likewise, a person seeking medical assistance for an individual experiencing a drug-related overdose may also be permitted limited immunity from minor drug and alcohol policy violations.

**Senate Bill 20** - On April 9th, 2013 the NC General Assembly approved an act to provide limited immunity from prosecution for (1) certain drug-related offenses committed by an individual who seeks medical assistance for a person experiencing a drug-related overdose and (2) certain drug-related offenses committed by an individual experiencing a drug-related overdose and in need of medical assistance; to provide immunity from civil or criminal liability for (1) practitioners who prescribe an opioid antagonist to certain third parties and (2) certain individuals who administer an opioid antagonist to a person experiencing a drug-related overdose; and to provide limited immunity from prosecution for certain alcohol-related offenses committed by persons under the age of 21 who seek medical assistance for another person. The entire bill can be found at:

<http://www.ncga.state.nc.us/sessions/2013/bills/senate/html/s20v7.html>.

### ***Currently Enrolled 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. Students in Continuing Education, Hospitality, Culinary, or Brewing programs over the age of 21, in which alcohol is part of the curriculum, may consume beverages as applicable to the course.
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, they should 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 and Student Handbook.
  - 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.

### ***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.

## II. Legal Sanctions

### Local, State & Federal Legal Sanctions

Local, state, and federal laws provide a variety of legal sanctions and penalties for the unlawful possession, use or distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines. The illegal or abusive use of drugs and alcohol by students or employees may result in criminal prosecution by governmental agencies in addition to disciplinary action by the College. Status as a student or employee of the College in no way insulates a lawbreaker from criminal prosecution and punishment. The constitutional concept of "double jeopardy" does not prevent state and/or federal prosecution and College disciplinary action for conduct that violates state, or federal law and College policy.

#### A. Alcohol

North Carolina General Statutes, section 18B-102, states the general rule relating to the possession, distribution and use of alcoholic beverages in North Carolina: "Unless a different punishment is otherwise expressly stated, any person who violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine, by imprisonment for not more than two years, or both." Local laws and ordinances and College regulations are preempted by state laws regarding regulation of alcoholic beverages.

#### B. Illicit Drugs

The Federal Controlled Substances Act (21 U.S.C.A. 841, et seq.) provides "first-offense" penalties of up to 15 years imprisonment and fines of up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to up to five years of imprisonment and fines of up to \$15,000. Any person who unlawfully distributes a controlled substance after a prior conviction or to a person under 21 years of age or within 1,000 feet of the university campus may be punished by up to twice the term of imprisonment and fine otherwise authorized by law.

North Carolina law provides that any person who violates the criminal statutes by selling, distributing or manufacturing opiates and narcotics such as cocaine and heroin, shall be guilty of a Schedule I or II drug offense.

For a Schedule I or II substance, the crime is a Class H felony punishable by maximum imprisonment of 10 years and/or a fine. Any person who sells, distributes, or manufactures substances such as barbiturates, depressants, stimulants, or marijuana shall be guilty of a Schedule III, IV, V or VI drug offense. This crime constitutes a Class I felony punishable by maximum imprisonment of five years and/or a fine. Possession of a Schedule I substance constitutes a Class I felony. Possession of a substance classified in Schedules II, III or IV constitutes a misdemeanor punishable by maximum imprisonment of two years and/or a \$2,000 fine (or a Class I felony if quantity is sufficiently large). Possession of a substance classified in

Schedule V constitutes a misdemeanor punishable by maximum imprisonment of six months and/or a \$500 fine. Possession of a Schedule VI substance is a misdemeanor punishable by maximum imprisonment of 30 days and/or a \$100 fine.

### III. Health Risks

According to the National Institute of Drug Abuse (NIDA), the following are risks associated with drugs and alcohol abuse.

Information regarding health risks associated with drug and alcohol abuse was obtained from the National Institute of Drug Abuse (NIDA) website at: <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs/commonly-abused-drugs-chart> (website last visited on 8/15/22).

#### ***Drug Abuse***

The following is a list of the most frequently used drugs and the risks associated with their use.

1. **Cannabinoids** (marijuana, hashish and hash oil)

Acute Effects - Euphoria; relaxation; slowed reaction time; distorted sensory perception; impaired balance and coordination; increased heart rate and appetite; impaired learning, memory; anxiety; panic attacks; psychosis

Health Risks - Cough, frequent respiratory infections; possible mental health decline; addiction

Synthetic Cannabinoids (K2/spice)

Acute Effects – Increase heart rate; vomiting; agitation; confusion; hallucinations; anxiety; paranoia; increased blood pressure

Health Risks – Addiction; health conditions requiring emergency medical support

2. **Opioids** (heroin & opium)

Acute Effects - Euphoria; drowsiness; impaired coordination; dizziness; confusion; nausea; sedation; feeling of heaviness in the body; slowed or arrested breathing

Health Risks - Constipation; endocarditis; hepatitis; HIV; addiction; liver or kidney disease; fatal overdose

3. **Synthetic Opioids** (Fentanyl and fentanyl analogs, oxy/percs)

Acute Effects - Abused for their intense, albeit short-term high and temporary feelings of euphoria, pain relief.

Health Risks nausea; constipation; addiction; slowed breathing; fatal overdose

- U-47700 - "pink" - Nearly eight times stronger than morphine



- Fentanyl – 25 to 40 times more potent than heroin and 50 to 100 times more potent than morphine
- Carfentanil – “Gray Death” - 100 times more potent than fentanyl and 10,000 times more potent than morphine.
- Acrylfentanyl and Tetrahydrofuran fentanyl- can be absorbed through the skin and are considered highly dangerous; more resistant to the overdose antidote, naloxone

4. **Stimulants** (cocaine, coke/crack, amphetamine & methamphetamine, crystal/meth)

Acute Effects - Increased heart rate, blood pressure, body temperature, metabolism; feelings of exhilaration; increased energy, mental alertness; tremors; reduced appetite; irritability; anxiety; panic; paranoia; violent behavior; psychosis

Health Risks - Weight loss, insomnia; cardiac or cardiovascular complications; stroke; seizures; addiction

Also, for cocaine – Nasal damage and trouble swallowing, lung damage

Also, for methamphetamine – Severe dental problems; HIV; Hepatitis

5. **Club Drugs** (MDMA-methylenedioxy-methamphetamine [also known as: Ecstasy, Adam, clarity, Eve, lover's speed, peace, uppers]; Flunitrazepam [also known as: *Rohypnol*: forget-me pill, Mexican Valium, R2, roach, Roche, roofies, roofinol, rope]; GHB [also known as: *Gamma-hydroxybutyrate*: G, Georgia home boy, grievous bodily harm, liquid ecstasy, soap, scoop, goop, liquid X])

Acute Effects, for MDMA - Mild hallucinogenic effects; increased tactile sensitivity; empathic feelings; lowered inhibition; anxiety; chills; sweating; teeth clenching; muscle cramping

Also, for Flunitrazepam - Sedation; muscle relaxation; confusion; memory loss; dizziness; impaired coordination

Also, for GHB - Drowsiness; nausea; headache; disorientation; loss of coordination; memory loss

Health Risks, for MDMA - Sleep disturbances; depression; impaired memory; hyperthermia; addiction

Also, for Flunitrazepam – Addiction

Also, for GHB - Unconsciousness; seizures; coma

6. **Dissociative Drugs** (Ketamine [also known as: *Ketalar SV*: cat Valium, K, Special K, vitamin K]; PCP and analogs [also known as: *Phencyclidine*: angel dust, boat, hog, love boat, peace pill]; Salvia divinorum [also known as: Salvia, Shepherdess's Herb, Maria Pastora, magic mint,

Sally-D]; Dextrometh-orphan (DXM) [also known as: cough and cold medications: Robotripping, Robo, Triple C])

Acute Effects - Feelings of being separate from one's body and environment; impaired motor function; hallucinations

Also, for ketamine - Analgesia; impaired memory; delirium; respiratory depression and arrest; death

Also, for PCP and analogs - Analgesia; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations

Also, for DXM - Euphoria; slurred speech; confusion; dizziness; distorted visual perceptions

Health Risks - Anxiety; tremors; numbness; memory loss; nausea

- 7. Hallucinogens** (LSD [also known as: *Lysergic acid diethylamide*: acid, blotter, cubes, microdot yellow sunshine, blue heaven]; Mescaline [also known as: buttons, cactus, mesc, peyote]; Psilocybin [also known as: Magic mushrooms, purple passion, shrooms, little smoke])

Acute Effects - Altered states of perception and feeling; hallucinations; nausea

Also, for LSD - Increased body temperature, heart rate, blood pressure; loss of appetite; sweating; sleeplessness; numbness, dizziness, weakness, tremors; impulsive behavior; rapid shifts in emotion

Also, for Mescaline - Increased body temperature, heart rate, blood pressure; loss of appetite; sweating; sleeplessness; numbness, dizziness, weakness, tremors; impulsive behavior; rapid shifts in emotion

Also, for Psilocybin - Nervousness; paranoia; panic

Health Risks, for LSD - Flashbacks, Hallucinogen Persisting Perception Disorder

- 8. Other Compounds** (Anabolic steroids [also known as: *Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise*: roids, juice, gym candy, pumpers]; Inhalants [also known as: Solvents (paint thinners, gasoline, glues); gases (*butane, propane, aerosol propellants, nitrous oxide*); nitrites (*isoamyl, isobutyl, cyclohexyl*): laughing gas, poppers, snappers, whippets])

Acute Effects, for Anabolic steroids - No intoxication effects

Also, for Inhalants (varies by chemical) - Stimulation; loss of inhibition; headache; nausea or vomiting; slurred speech; loss of motor coordination; wheezing.

Health Risks, for Anabolic steroids - Hypertension; blood clotting and cholesterol changes; liver cysts; hostility and aggression; acne; in adolescents—premature stoppage of growth; in males—prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females—menstrual irregularities, development of beard and other masculine characteristics.

Also, for Inhalants - Cramps; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; unconsciousness; sudden death.

### ***Prescription Drug Abuse***

Commonly abused classes of prescription drugs include opioids (for pain), central nervous system (CNS) depressants (for anxiety and sleep disorders), and stimulants (for ADHD and narcolepsy).

#### **1. Depressants (Barbiturates, Benzodiazepines, and sleep medication)**

Intoxication Effects - Sedation/drowsiness, reduced anxiety, feelings of well-being, lowered inhibitions, slurred speech, poor concentration, confusion, dizziness, impaired coordination and memory.

Potential Health Consequences - lowered blood pressure, slowed breathing, tolerance, withdrawal, addiction; increased risk of respiratory distress and death when combined with alcohol.

Also, for Barbiturates - Euphoria, unusual excitement, fever, irritability/life-threatening withdrawal in chronic users.

#### **2. Opioids and Morphine Derivatives (Codeine, Morphine, Methadone, Oxycodone, pain relievers)**

Intoxication Effects - Pain relief, euphoria, drowsiness, sedation, weakness, dizziness, nausea, impaired coordination, confusion, dry mouth, itching, sweating, clammy skin, constipation

Potential Health Consequences - slowed or arrested breathing, lowered pulse and blood pressure, tolerance, addiction, unconsciousness, coma, death; risk of death increased when combined with alcohol or other CNS depressants

Also for oxycodone - muscle relaxation/twice as potent analgesic as morphine; high abuse potential

Also for codeine - less analgesia, sedation, and respiratory depression than morphine

Also for methadone - used to treat opioid addiction and pain; significant overdose risk when used improperly

*\*\* Taking drugs by injection can increase the risk of infection through needle contamination with staphylococci, HIV, hepatitis, and other organisms. Injection is a more common practice for opioids, but risks apply to any medication taken by injection.*

### 3. **Stimulants** (Amphetamines, and Methylphenidate)

Intoxication Effects - Feelings of exhilaration, increased energy, mental alertness

Potential Health Consequences - increased heart rate, blood pressure, and metabolism, reduced appetite, weight loss, nervousness, insomnia, seizures, heart attack, stroke

Also, for amphetamines - rapid breathing, tremor, loss of coordination, irritability, anxiousness, restlessness/delirium, panic, paranoia, hallucinations, impulsive behavior, aggressiveness, tolerance, addiction

Also, for methylphenidate - increase or decrease in blood pressure, digestive problems, loss of appetite, weight loss

### 4. **Other Compounds** (Dextromethorphan – found in cough and cold medicines, Robotripping)

Intoxication Effects - Euphoria, slurred speech

Potential Health Consequences - increased heart rate and blood pressure, dizziness, nausea, vomiting, confusion, paranoia, distorted visual perceptions, impaired motor function

## ***Nicotine Abuse***

Nicotine is readily absorbed into the bloodstream when a tobacco product is chewed, inhaled, or smoked. A typical smoker will take 10 puffs on a cigarette over a period of 5 minutes that the cigarette is lit. Thus, a person who smokes about 1½ packs (30 cigarettes) daily gets 300 “hits” of nicotine each day.

Upon entering the bloodstream, nicotine immediately stimulates the adrenal glands to release the hormone epinephrine (adrenaline). Epinephrine stimulates the central nervous system and increases blood pressure, respiration, and heart rate.

Like cocaine, heroin, and marijuana, nicotine increases levels of the neurotransmitter dopamine, which affects the brain pathways that control reward and pleasure. For many tobacco users, long-term brain changes induced by continued nicotine exposure result in addiction—a condition of compulsive drug seeking and use, even in the face of negative consequences. Studies suggest that additional compounds in tobacco smoke, such as acetaldehyde, may enhance nicotine’s effects on the brain.

When an addicted user tries to quit, he or she experiences withdrawal symptoms including irritability, attention difficulties, sleep disturbances, increased appetite, and powerful cravings for tobacco.

## ***Alcohol Abuse***

Ethyl alcohol, or ethanol, is an intoxicating ingredient found in beer, wine, and liquor. Alcohol is produced by the fermentation of yeast, sugars, and starches. It is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream. A standard drink equals 0.6 ounces of pure ethanol, or 12 ounces of beer; 8 ounces of malt liquor; 5 ounces of wine; or 1.5 ounces (a "shot") of 80-proof distilled spirits or liquor (e.g., gin, rum, vodka, or whiskey).

Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that can result in harm to one's health, interpersonal relationships, or ability to work.

## **IV. Drug and Alcohol Programs**

A-B Tech is committed to supporting the whole student through their educational process. To this end, various programming and events have been developed. According to the National Institute of Drug Abuse (NIDA), the Principles of Drug Addiction Treatment, and more than three decades of scientific research show that treatment can help drug-addicted individuals stop drug use, avoid relapse and successfully recover their lives.

### ***Currently Enrolled Students***

The following programs for drug and alcohol abuse prevention and treatment options are available to currently enrolled students at A-B Tech:

1. The staff from Support Services hosts an information booth at the Fall Welcome Back event to help make students aware of their services. The staff also makes classroom presentations during the semester.
2. Addiction, Recovery, and Coping (ARC) program for students is presented during the spring semester to students via their email and posted on [abtech.edu/arc](http://abtech.edu/arc). These programs are open to all students, but may be required for students in violation of College policy as a first level disciplinary sanction. Program Information can be found at [abtech.edu/arc](http://abtech.edu/arc).
3. The RESET room was open in the fall of 2018. This is a safe space for students to come, press pause, and reset before continuing with their day. The design of the room is that it is always staffed so no one has to be alone; isolation being a key contributor to relapsing use of a substance. During the pandemic and remote learning time, group offerings entitled "RESET Presents" were available via Zoom.
4. Addiction, Recovery, and Coping (ARC) information to be sent to student emails monthly to remind them of treatment, support, and educational options.
5. Additional educational materials, printed brochures, programs, and other resources are available through both the Student Life and Support Services departments in the Coman Student Center,

Bailey Student Services Center, and through the A-B Tech student health clinic. The printed brochures available to students include:

- Seeking Drug Abuse Treatment: Know What to Ask
  - Tips for Cutting Down Drinking
  - Today's Alcohol Demands a Closer Look
  - Harmful Interactions: Mixing Alcohol with Medicine
  - Prescription Drugs
  - Helping a Friend
  - A Family History of Alcohol
  - About Recovery
  - Getting Help in a Crisis
  - The High Price of Smoking: Tobacco and Money, What Does Smoking Really Cost
6. Support Services can provide short-term counseling for students with concerns regarding drug and alcohol misuse. For longer-term treatment, the student will be referred out to community counseling and rehabilitation services.
  7. The Student Life Development and Support Services departments hosts a Health and Wellness Fair event each fall for students. This event helps to introduce students to college and community resources and services as related to drug and alcohol abuse prevention and treatment options.
  8. Substance Use Assessment and Referral with A-B Tech professional counselor (available upon request, and as a possible disciplinary sanction). Students are assessed for substance misuse and referred for treatment to appropriate community resources.
  9. Student Opioid Awareness Video will be shown in all ACA classes during the beginning of fall and spring semesters. A link to the video ([abtech.edu/arc](http://abtech.edu/arc)) will be emailed to all curriculum students.

### ***Employees***

The following resources and programs are available for employees at A-B Tech:

1. 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.
2. A-B Tech partners with Employee Assistance network (EAN) to offer employee educational programming on drug and alcohol awareness, including information on the health risks associated with drug and alcohol usage. EAN also offers confidential short-term counseling and referrals.
3. Participate in the employee assistance and/or complete a treatment program, if required by the College as a condition of continued employment.

4. A-B Tech Human Resources department hosts an annual employee benefits fair as a component of the college-wide Health and Wellness Fair each fall. This event helps to introduce employees to college and community resources and services as related to drug and alcohol abuse prevention and treatment options.
5. Drug and alcohol abuse awareness and prevention professional development seminars for employees. These sessions will be conducted annually in partnership with various community agencies, including RHA Prevention and the Sheriff's Department.
6. All faculty participate in a mandatory In Service training before the start of the fall semester on substance awareness, prevention, and response.

## **V. Disciplinary Sanctions**

Consistent with federal, state, and local laws, A-B Tech will impose sanctions on students and employees for violation of College policies and standards of conduct, up to and including expulsion, termination, and referral for prosecution. Possible sanctions are described in more detail below.

### ***Currently Enrolled Students***

A student who violates the terms of this policy will be subject to disciplinary action in accordance with the Code of Student Conduct (See [Appendix B](#)) and Student Due Process (See [Appendix C](#)) Policies and Procedures. For violations that threaten the individual or the Campus community, the disciplinary process will be moved to a Threat Assessment Policy and Procedures (See [Appendix D](#)). 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 repeated or 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:

1. Determination of disciplinary Warning, Probation, or Suspension.
2. Complete a drug and alcohol use assessment in order to identify the student's current level of use and to identify appropriate service recommendations.
3. Required to attend one or more collegiate recovery group and/or a community recovery event.
4. Mandatory counseling focusing on drug or alcohol abuse.
5. Referral for offsite formal clinical assessment and treatment.

The Board of Trustees endorses that a student has a liberty and/or property interest in their education, which is the expectation to continue enrollment at the College in the absence of academic failure and/or misconduct. Prior to action by the College to deprive a student of this interest through suspension or expulsion, the student will be given due process. The extent of process due is determined by state law. In addition, students who have been charged with a violation of the Code of Student Conduct (see [Appendix B](#)) shall be provided with an equitable system of due process, which can include the right to a fair hearing. For the complete Student Due Process Policy and Procedures, please reference [Appendix C](#).

## **Employees**

Violations of the Drug and Alcohol Policy or Procedure 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 policy (See [Appendix E](#)). Violations may also result in legal consequences, as A-B Tech will notify the appropriate authorities whenever warranted.

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.

## **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 appropriate ELT member and the Vice President of Human Resources and Organizational Development 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.

### ***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 Policy (See [Appendix E](#)).

### **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 consequence.
3. When chaperoning students during an off-site activity, the employee 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.

### **VI. Requirements for A-B Tech and Third-Party Events when Alcohol is Sold or 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.

## **VII. Annual Notification of the DAAPP**

### ***Student Notification***

The DAAPP and the Drug and Alcohol policy will be distributed to all currently enrolled curriculum students via individual student email accounts (name @students.abtech.edu) on or before Sept. 30th. It is also posted continuously on the Consumer Information page on the A-B Tech website. In addition to email dissemination, the College will:

- Publish the Drug and Alcohol Policy and Procedures in the Student Handbook and Catalog. The printed version of the Student Handbook and Catalog will be revised each August, while updates to the online version of the document can be made as revisions occur.
- Incorporate information on the College’s Drug and Alcohol Policy and Procedures into New Student Orientation, both online and seated sessions. Students are shown where to find the information on the Consumer Information page on the College’s website and are also given a student handbook before they leave the seated session. This activity is a required admission step for every incoming curriculum student.
- DAAPP information is published on A-B Tech’s website under Consumer Information.

### ***Employee Notification***

The DAAPP and the Drug and Alcohol Policy will be distributed to all current employees of the college via email on or before Sept. 30th. In addition to email dissemination, the College will:

- Publish the Drug and Alcohol Policy and Procedures.
- DAAPP information is published on A-B Tech’s website under Consumer Information.
- Incorporate information on the College’s Drug and Alcohol Policy and Procedures, and DAAPP into New Employee Orientation (See [Appendix E](#) for Acknowledgement signed by employees during New Employee Orientation.)

## **VIII. Oversight Responsibility**

The Vice President of Human Resources and Organizational Development and the Vice President for Student Services, or their designees, shall serve as the main contacts that will have oversight

responsibility of the DAAPP including, but not limited to, updates, coordination of information presented in the DAAPP, and coordination of the annual notification to employees and students, and the biennial review.

## **IX. Additional Resources**

The following list references College policies that were included in this document. For more detailed information on each policy, please visit the College website at [www.abtech.edu](http://www.abtech.edu). The policies and procedures are also added to the end of this document.

- Drug and Alcohol Policy and Procedures - #113 ([Appendix A](#))
- Code of Student Conduct Policy and Procedures - #804 ([Appendix B](#))
- Student Due Process Policy and Procedures - #823 ([Appendix C](#))
- Threat Assessment Policy and Procedures - #118 ([Appendix D](#))

This policy may be viewed from the employee portal.

- Employee Due Process Policy and Procedures - # 509.02 ([Appendix E](#))
- Employee Acknowledgement – ([Appendix F](#))

Additional resources can be found online.

- <https://www.abtech.edu/opioids>
- [www.abtech.edu/counseling](http://www.abtech.edu/counseling)
- <https://www.abtech.edu/campus-safety>
- <https://www.abtech.edu/supportservices>

# Appendices

## [Appendix A](#)

### Policy 113: Drug and Alcohol Policy

It is the policy of the Board of Trustees that A-B Tech will maintain a learning and working environment that is free from the negative impact of drug and/or alcohol abuse. The College prohibits students, employees, and visitors from being on the College's premises or attending any College-sponsored activity at a non-College location while impaired by any impairing substance. The College also prohibits the manufacture, possession, use, distribution, or sale of controlled substances or alcohol during work time and breaks, on A-B Tech premises or class/work sites, while driving a College vehicle, and/or while driving any vehicle for a College-sponsored, sanctioned, or required activity, with the following exception.

This policy permits College-sanctioned activities approved in writing by the President where alcohol is manufactured, possessed, used, distributed, sold, served, and/or consumed for academic, continuing education, social, or other purposes consistent with the College's procedures and applicable legal requirements. These documents will be maintained in the President's Office.

#### Scope

A-B Tech employees, students, and visitors

#### Definitions

*Student:* A person who is registered for, enrolled in, or attending an A-B Tech course, regardless of the course location.

*Employee:* A person who is hired to provide services to the College on a regular basis in exchange for compensation and who does not provide these services as part of an independent business.

*Visitor:* A person on the College's premises or attending any College-sponsored activity who is not a student or employee.

*Impairing substance:* Any substance that, when introduced into a person's body, has the effect of impairing, to any degree, that person's mental or physical faculties. Impairing substances include, but are not limited to, alcohol in any form (ethanol, methanol or isopropanol), any substance included within the North Carolina Controlled Substance Act, prescription medications, over-the-counter medications and chemical inhalants.

*Controlled Substance:* A drug, substance, or immediate precursor included in Schedules I through VI of the North Carolina Controlled Substances Act and/or any drug listed in Title 21 of the United States Code and other federal regulations. Generally, these are drugs which have a high potential for abuse and include "legal drugs" which are not prescribed by a licensed physician.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Vice President, Human Resources and Organizational Development, Ext. 7113

## Policy Owners

Vice President, Human Resources and Organizational Development, Ext. 7113

Vice President for Student Services, Ext. 7146

Approved by the Board of Trustees on October 6, 2014.

## Procedure 113: Drug and Alcohol

### 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:

- c. All A-B Tech Police employees except those who perform purely administrative, office duties.
- d. 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

- 7. 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.
- 8. 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.

9. 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.
10. 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.
11. 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.
12. A-B Tech complies with applicable Department of Education requirements by taking the following steps, as they apply to students:
  - e. Prepares the College's Drug and Alcohol Abuse Prevention Program (DAAPP) for annual distribution to all currently enrolled students.
  - f. 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.
  - g. Incorporates information about drug and alcohol Policy and Procedures in New Student Orientation.
  - h. 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.
13. 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

4. 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.
5. 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.
6. 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:

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

11. Events at which alcoholic beverages are served may last no longer than three (3) hours.
12. 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.
13. Service of alcoholic beverages must be discontinued fifteen (15) minutes prior to the anticipated end of the event.
14. 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.
15. 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.
16. 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.
  - i. 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.
  - j. 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).
  - k. 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.
  - l. If requested, guests must provide photo identification for proof of age before being served.
  - m. No one under the age of twenty-one (21) may sign a Facilities Usage Agreement for an event where alcohol will be served.
  - n. At an event, if anyone is found to have provided an alcoholic beverage to an underage person, A-B Tech Police will respond.

- o. 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.
- p. 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

## Appendix B

### Policy 804: Code of Student Conduct

It is the policy of the Board of Trustees to establish and maintain a learning environment that supports the students, the values, vision and mission of the institution. There are behavioral expectations that outline the responsibilities and proper practices for all students at the College. When the Code of Conduct is challenged, the following types of discipline include but are not limited to: verbal warning, written warning, a failing grade for an assignment or exam, probation, administrative withdrawal from a course, restitution for damages, consequences adapted to the specific violation, suspension, expulsion or actions recommended by a Threat Assessment Team.

The President shall have final approval in the expulsion of a student.

#### Scope

Applies to all A-B Tech students.

#### Definitions

**Suspension:** a temporary prohibition against attending the College.

**Expulsion:** a permanent prohibition against attending the College.

**Threat Assessment Team:** a team engaged by the College to:

1. Assess a student's physical, emotional and psychological well-being.
2. Help the student receive the assistance he/she needs in order to continue being a productive member of the campus community.
3. Maintain a safe campus environment for all.

#### Policy Owner

Vice President for Student Services, Ext. 7146

See Code of Student Conduct Procedure

Approved by the Board of Trustees on May 7, 2012.

### Procedure 804: Code of Student Conduct

A-B Tech strives to maintain a safe, nurturing, and orderly learning environment that supports the students, faculty, and staff. Each student shall be responsible for their conduct from the time of admissions through the actual awarding of a credential. The Code of Student Conduct applies throughout the academic year as well as before classes begin or after classes end for the semester, and during periods of time between actual enrollment. The Code of Student Conduct shall apply to a student's conduct even if the student withdraws from classes while a disciplinary matter is pending. When, in the judgment of College officials, the student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be administered. Students have the rights of Due Process when accused of a violation of the Code of Student Conduct (please reference Student Due Process policy 823). All matters related to alleged sexual misconduct shall be referred to the College's Title IX Coordinator and governed pursuant to the Sexual Misconduct Policy 112. For matters regarding alleged discrimination and harassment, please refer to the Non-Discrimination and Harassment Policy 111.

A student who is in possible violation of the Code of Student Conduct will be referred to the Vice President for Student Services or designee. If the Vice President of Student Services or designee determines the student's alleged actions are egregious and/or potentially threatening to the learning environment or to campus safety, the student may be immediately suspended for up to ten College business days, pending a due process hearing or Threat Assessment review under the Threat Assessment Policy (please reference Threat Assessment Policy 819).

Students who have been found responsible of a violation of the Code of Student Conduct may be assigned consequences based upon the seriousness of the offense. Sanctions for violations may include but not be limited to: verbal warning, written warning, a failing grade for an assignment, examination, or course, administrative withdrawal from courses or academic program, restitution for damages, probation including mandatory periodic progress reports, consequences adapted to the specific violation, suspension, or expulsion. The President shall have final approval in the expulsion of a student.

Jurisdiction of the Code of Student Conduct is in effect on College premises, in online classes conducted by the College, on property owned or leased by the College and at functions sponsored by or participated in by the College regardless of the locations. Violations of any federal, state or local laws may lead to legal actions as well as College discipline. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student's continued presence on campus constitutes a threat to the safety and order of the campus. If a student is charged with a felony that may compromise the safety and order of campus, then the College has the right to suspend the student pending the final outcome of the criminal charges. If the student is convicted, then the student may be limited in class location and course delivery options, and/or recommended for suspension or expulsion.

High School students who are dually enrolled at the College are also subject to the Code of Student Conduct. Students are expected to follow the behavior guidelines for their high school as well as the College. Therefore, high school students shall conduct themselves in accordance with the Code of Student Conduct of their school system as well as those rules and regulations set for in the College Code of Student Conduct and published annually on the College website, in the Catalog, and Student Handbook.

### Violations for which disciplinary proceedings may be initiated are as follows:

**Academic Dishonesty:** Academic Dishonesty includes, but is not limited to, submitting someone else's work as one's own; using notes or other material without permission from the faculty on an exam, homework, or other assignments; receiving information from another student during an exam; obtaining a copy of an exam or questions from an exam prior to taking the exam; having someone else take one's exam and submitting it as their own, or using a commercial online learning platform to produce work and then submitting it as your own. Academic dishonesty includes any student who has someone else use an account and password for the purpose of submitting work as one's own.

**Academic dishonesty also includes plagiarism,** the intentional theft or unacknowledged use of another's words or ideas. Plagiarism includes, but is not limited to paraphrasing or summarizing another's words or works without proper acknowledgement; using direct quotes of material without proper acknowledgement; or purchasing or using a paper or presentation written or produced by another. If a student is uncertain about what constitutes plagiarism, he or she should discuss this with the class instructor. Submission of previously used work as an original work on subsequent assignments or in multiple courses is not acceptable unless the resubmitted work is substantially different and appropriately cited as previous work.

**Aiding Acts of Academic Dishonesty:** Providing information to another student with the awareness that the student intends to use it for deceptive purposes. Students are prohibited from sharing, distributing, uploading, or downloading course materials, including outlines, teaching materials, labs, videos, lectures, tests, exams, or other course material including note sharing or commercial study prep services without the permission of the instructor.

**Alcoholic Beverages:** Students may not possess or use alcoholic beverages on campus. Students may not be under the influence of alcoholic beverages on campus or at College-affiliated activities or events (please reference Drug and Alcohol Policy 113).

**Animals:** Students may not have an animal of any kind on campus, or at any College affiliated activities, sites or events. This includes animals left within a vehicle. Limited exceptions to this code may be found in the Animals on Campus Procedure (please reference Animals on Campus Policy 802).

**Assault:** Students may not assault or threaten to assault another person for any reason whatsoever. Assault may include a demonstration of force, unlawful physical touching, or striking.

**Bullying:** Students may not intimidate or threaten with harm any other individual. Bullying is defined as “any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that takes place on College premises or at any College sponsored function that: (a) places a person in actual and reasonable fear of harm to his or her person or damage to his or her property; or (b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits, or a College employee’s ability to perform the essential functions of his or her job.”

**Communicating Threats:** Students may not verbally, in writing, through a third party, or by any other means threaten to physically injure another person or that person’s child, sibling, spouse, or dependent or willfully threaten to damage the property of another.

**Copyright Infringement and Peer-to-Peer File Sharing:** Students may not violate the College’s Copyright Infringement and Peer-to-Peer File Sharing Policy through the act of violating, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement (please reference Copyright and Fair Use Policy 215 and Peer to Peer File Sharing Policy 1006).

**Damage to Property:** Students may not damage property of the College or of any other person working at or attending the College.

**Disorderly Conduct:** Students may not conduct themselves in a way which will interrupt the academic mission of the College or which will disturb the peace of the College.

**Disrespect:** Students are expected to treat all College employees with respect and courtesy, particularly when and if disagreements arise.

**Disruption:** Students may not disrupt the normal activities of the College by physically or verbally interfering with instruction, meetings, traffic, or scheduled administrative functions.



**Drugs:** Students may not possess, use, or be under the influence of any narcotic or illegal drugs on campus or at any College-affiliated activities or event. This is in violation of the laws of the state of North Carolina of the United States (please reference Drug and Alcohol Policy 113).

**Failure to Comply:** Students must comply with the directives of College officials or law enforcement officers during the performance of their duties. Students must identify themselves to these persons when requested to do so. Failure to respond to notifications of conduct charges is also prohibited.

**False Information:** Students may not present to the College or its employees false information; neither may they knowingly withhold information which may have an effect on their enrollment or their status in the institution and which is properly and legally requested by the College.

**Gambling:** Students may not gamble on campus or at any College-affiliated activities or events.

**Internet and Campus Network Acceptable Use:** The College has an extensive policy for appropriate use of the Internet. Users of the College computers acknowledge the policy whenever they sign on. Students may not use the College's access to the Internet for access to sexually explicit material or for downloading music. Email accounts are provided for student use; however, no right of privacy exists for use of email (please reference Acceptable Use Policy 1003). Students may not share their account and password nor may they access another student's account.

**Possession of Weapons:** Students may not have a weapon of any kind, including a knife, stun gun, or any firearm in their possession on campus or at any College-affiliated activities or events except handguns as allowed by NC GS §14-269.2(k). Handguns are permitted under these circumstances:

- The person has a concealed handgun permit that is lawfully issued.
- The handgun is in a closed compartment or container within the person's locked vehicle.
- The handgun is in a locked container securely affixed to the person's vehicle.
- A person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times.
- The vehicle is locked immediately following the entrance or exit.

Law enforcement officers are exempt from this prohibition. This includes facsimiles of weapons (please reference Weapons on Campus Policy 305).

**Public Laws:** Violations of any federal, state or local laws occurring while on campus may lead to legal actions as well as College discipline. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student's continued presence on campus constitutes a threat to the safety and order of the campus.

**Retaliation:** Retaliation against any person submitting a report of possible violation(s) of the Code of Student Conduct against another person is strictly prohibited. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figure or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against students found to have retaliated against another.

**Skate Boards, Hover Boards, and Roller Skates:** Skate boards, hover boards, and roller skates are not permitted to be used on campus outside College sanctioned events

**Theft:** Students may not steal the property of another individual or of the College. Students who are caught stealing will be required to make restitution and may be eligible for civil or criminal prosecution as well as College discipline.

**Threats:** Students may not engage in any behavior that constitutes a clear and present danger to the physical and/or emotion well-being of the student and/or other students, faculty and staff.

**Trespass:** Students are trespassing if in an unauthorized area of the College campus or remain on the College campus after having been directed to leave by a College official.

**Vaping, E-cigarettes and Tobacco :** Students may not use vaporizing devices, use e-cigarettes, or tobacco of any form, on campus or at any College-affiliated activity, sites, or events (please reference Tobacco Free Campus Policy 306).

**Unauthorized Access to Records:** Students may not access, view, copy or change official College records without official authorization to do so.

**Use of Social Media:** Students should obey their social media platforms terms' of use. Students may not make, or cause to be made, communications (including electronically or through social media) to another person in any manner likely to seriously annoy or cause alarm. Social media may not be used to breach privacy, discriminate or harass. Students may not make, transmit, or attempt to transmit audio or video of any person(s) on College property where there is an explicit expectation of privacy. Any posts or tweets deemed inappropriate on an A-B Tech social web site or blog will be deleted immediately and may result in having access to the site blocked permanently.

**Violations of Expected Classroom or Learning Environment Behaviors:** May include, but not limited to, being disobedient, disrespectful, disruptive to the classroom or learning environment, or not abiding by professional conduct standards.

## Threat Assessment

A-B Tech is committed to providing a safe learning and working environment. As such, the College utilizes a threat assessment process to determine whether or not a student's behavior constitutes a potential safety risk to the individual or others. Matters that rise to the level of a potential threat will be handled under the Threat Assessment Policy. If the potential violation of this procedure includes other behaviors or conduct that may also violate the Code of Student Conduct, the violations will also be handled through the Threat Assessment procedure.

Student Rights of Due Process Policy (please reference Student Due Process Policy 823)

Threat Assessment Policy (please reference Threat Assessment Policy 819)

## Definitions:

**Professional Conduct:** Some curricula have specific codes of professional conduct for which students may be held accountable. This information is provided in course syllabi provided to students enrolled in these curricula.

**Suspension: Complete withdrawal from the College with option for future re-enrollment after a specified period.** Pursuant to Board policy, Chapter 800, Section 804, this procedure must be followed when addressing issues associated with the Code of Student Conduct.

**Owner:** Vice President Student Services

**Updated:** April 27, 2022

## [Appendix C](#)

### Policy 823: Student Due Process

It is the policy of the Board of Trustees to endorse that a student has the liberty and/or property interest in their education, which is the expectation to continue enrollment at the College in the absence of academic failure and/or misconduct. Prior to action by the College to deprive a student of this interest through suspension or expulsion, the student will be given due process. The extent of process due is determined by state law. In addition, students who have been charged with a violation of the Code of Student Conduct shall be provided with an equitable system of due process, which can include the right to a fair hearing.

#### Scope

Applies to all A-B Tech students.

#### Definitions

**Due Process:** A minimum guarantee that a student will be given oral or written notice of the charges, an explanation of the evidence against them, and the opportunity to present their side of the story.

**Code of Conduct:** A set of principles and expectations that are considered binding on any student at the College.

#### Policy Owner

Vice President for Student Services, Ext. 7146

See Student Due Process Procedure

Approved by the Board of Trustees on August 6, 2012.

### Procedure 823: Student Due Process

Students have the following rights of due process when an allegation has been brought against them regarding violations of the Code of Student Conduct. For allegations of Title IX sexual harassment see Title IX Sexual Harassment Policy 112. For allegations of discrimination and harassment, see Non-Discrimination and Harassment Policy 111.

#### Students have a right to a Written Notice:

1. Upon receipt of an incident report to the Office of the Vice President of Student Services, the student in question will be sent a written notice to inform him or her of the allegations regarding the possible violation(s) of the Code of Student Conduct.

#### Students have a right to an Administrative Conference:

1. The student will be advised of the date, time, and location of the Administrative Conference with the Vice President for Student Services or designee to discuss and attempt to resolve the issue.
  - a. If the student's alleged actions are considered egregious or disruptive to the teaching and learning environment or to campus safety, the Vice President for Student Services or designee may suspend the student for up to ten College business days. The matter may be

moved directly to a Student Due Process Hearing or referred to a Threat Assessment Team for review.

2. Outcome of Administrative Conference:
  - a. If the student admits responsibility for a violation(s) of the Code of Student Conduct and accepts sanctions administered during the Administrative Conference process, then the matter will be considered closed.
  - b. If the student denies responsibility for any offense, and/or disagrees with the administered sanctions, then the matter will move to a Student Due Process Hearing which will be conducted by the Vice President of Student Services or designee or by members of the College's Behavioral Intervention Team (CARE Team).
3. If the student fails to attend the scheduled conference, then the matter will be moved to a Student Due Process Hearing.

### Students have a right to a Student Due Process Hearing:

1. The hearing will be scheduled as soon as practical after receipt of an incident report of allegations deemed to be egregious in nature or after the conclusion of the Administrative Conference.
2. Prior to the hearing, the student has the right to review all evidence, including written statements made against him or her. Strict rules of evidence do not apply in the hearing.
3. A written hearing notice including the date, time, and location of the hearing will be sent to the student.
4. At the hearing, all parties involved in the incident will be given the opportunity to provide evidence. All pertinent parties have a right to speak and be questioned by the hearing chair. Cross-examination between parties is not permitted during the hearing.
5. The student is allowed to be accompanied by a person of your choosing. This person may not present on behalf of the student unless otherwise instructed to do so by the designated hearing chair. If the student chooses to have an attorney, the student must provide notification to the Office of the Vice President for Student Services at least three College business days prior to the hearing date. In this case, the College Attorney will be present also.
6. The student has a right to a recording of the hearing.
7. The student has a right to a written notice of the hearing outcome.
8. The decision of the hearing officer or CARE Team is final.

**Administrative Conference:** A meeting with the student and the Vice President for Student Services or designee to discuss and attempt to resolve the issue.

**Incident Report:** Written charges filed with the Vice President for Student Services against any student or student organization for alleged violation(s) of the Student Code of Conduct.

**Pertinent Parties:** Students, witnesses, faculty, staff and other College Officials involved in the incident.

**Student Due Process Hearing:** A formal proceeding involving all parties involved where evidence is presented to the Vice President for Student Services or designee.

**Written Notice:** Documentation sent to the student via postal service and/or student email.

**Owner:** Vice President for Student Services

**Updated:** April 27, 2022

## [Appendix D](#)

### Policy 819: Threat Assessment

It is the policy of the Board of Trustees to ensure a safe and productive learning environment. A-B Tech Community College is committed to providing the best possible education for all its students and a good working environment for all its employees. In striving to achieve this goal, it is important to ensure the physical, emotional and psychological safety for all student, staff and faculty members.

#### Scope

Applies to all A-B Tech students.

#### Definitions

Threat Assessment Team: A team engaged by the College to:

1. Assess a student's physical, emotional and psychological well-being.
2. Help the student receive the assistance he/she needs in order to continue being a productive member of the campus community.
3. Maintain a safe campus environment for all.

#### Policy Owner

Vice President for Student Services, Ext. 7146

Approved by the Board of Trustees on May 7, 2012.

### Procedure 819: Threat Assessment Procedure

#### Overview

A-B Tech is committed to providing a safe learning and working environment. As such, the College utilizes a threat assessment process to determine whether or not a student's behavior constitutes a potential safety risk to the individual or others. Matters that rise to the level of a potential threat will be handled solely under the Threat Assessment Policy. If the potential violation of this procedure includes other behaviors or conduct that may also violate the Code of Student Conduct (Policy #804), the violations will also be handled through this procedure.

#### Introduction

A threat assessment is an objective process relying on a review of behaviors or conduct to identify potentially harmful, dangerous, or violent situations and to identify possible solutions. A threat is defined as any communication or behavior that suggests to a reasonable person that an individual may intend to harm him or herself or others. The threat may be spoken, written, or gestured and is considered a threat regardless of whether it is observed by or communicated to a third party.

Examples of prohibited conduct that may rise to the level of a threat assessment include, but are not limited to:

- Injuring another person physically including assault;
- Engaging in behavior that creates a reasonable fear of injury to oneself or others including bullying and/or disorderly conduct;

- Engaging in behavior that would subject a reasonable person to, and does subject another individual or individuals to, extreme emotional distress;
- Possessing, brandishing, or using a weapon while on College premises by students except where possession is a result of participation in an organized and scheduled exercise for a course, or where the student is a law enforcement professional;
- Intentionally damaging property;
- Threatening to injure an individual (including oneself) or to damage property; and
- Retaliating against any employee, student or community member who, in good faith, reports a violation of College policy.

In situations where a student may pose a threat to him or herself, the individual may be directed to Student Support Services. However, if the potential threat to him or herself includes other behavior or conduct that may also violate the Code of Student Conduct (Policy #804), the violation will be handled through this process.

There are many behaviors that may cause concern for the safety and well-being of an individual or the campus as a whole. The following is not an exhaustive list but provides examples of concerning behaviors or situations:

- Unusual or abrupt changes in behaviors or patterns;
- Extreme emotional reaction to a loss, traumatic event or situation;
- Preoccupation with weapons, violent events or persons who have engaged in violent acts;
- References to harming others or planning a violent or destructive event;
- Prolonged irritability, angry outbursts or inordinate reactions to situations;
- Strained interpersonal relations, isolating behaviors and/or hopelessness;
- Stalking others, either in person or electronically;
- Past history of disciplinary problems and issues; and
- Verbal or physical altercation with another student, faculty, staff, or community member.

These examples of potentially threatening behaviors are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. While a student's speech or expression may be deemed offensive by others, it does not necessarily mean it constitutes a threat under this Policy.

## Reporting Potential Threats

Anyone who believes that the immediate safety and well-being of an individual or the campus as a whole are at risk should notify the A-B Tech Police Department or call 911. The A-B Tech Police Department is located across from the parking deck in the Mission Health/A-B Tech Conference Center and can be reached by phone at (828) 398-7125. A-B Tech Police officers are available 24-hours a day, 7-days a week. To reach the on-duty officer, please call (828) 279-3166. The A-B Tech Police will forward the report to the Vice President for Student Services (VPSS) or designee and will work in partnership to determine the best course of action.

Individuals may also make a report to the Office of the VPSS by submitting an incident report at [www.abtech.edu/incidentreport](http://www.abtech.edu/incidentreport). While anonymous reports are accepted, it is important that

individuals making reports share as much information as possible. The College will make every reasonable effort to preserve the confidentiality of those reporting threatening behaviors. However, confidentiality cannot be guaranteed in the process.

## Retaliation

Retaliation against any person in connection with a report of a threat is strictly prohibited. Reports of retaliation will be addressed through this policy and/or other applicable College policies. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from an authority figure or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against anyone found to have retaliated against another.

## Standard of Evidence

The College uses the preponderance of the evidence as the standard for proof of whether a violation occurred. In the threat assessment process, legal terms like “guilt,” “innocence” and “burdens of proof” are not applicable. Student Hearing outcomes take into account the totality of all evidence available from all relevant sources. The College will find the Student either “responsible” or “not responsible” for violating College this policy.

## Threat Assessment Process

After the VPSS or designee reviews the initial report and determines that it warrants further review, a Threat Assessment Team (Team) will be assembled.

Interim measures shall only be used when necessary to protect the student’s emotional and physical health and to protect the safety of the campus community. When interim measures are implemented, every effort will be made to expedite the assessment process. Interim measures may include, but are not limited to, changing the student’s academic environment or temporary suspension through the investigation and hearing process. Suspensions can only be imposed by the VPSS or the President.

A Team will be comprised of no less than four members of the College’s Behavioral Intervention Team (CARE Team) in an effort to ensure an efficient and equitable assessment. The VPSS or designee may at his or her discretion include additional members to the Team. If a conflict or appearance of conflict arises for any member of the Team, the VPSS or designee shall appoint a substitute for that member.

The VPSS or designee will serve as chair and provide the Team with the following information:

- The original report or A-B Tech Police incident report;
- Any witness statements and/or any other supporting documentation;
- Any previous disciplinary issues relevant to the threat; and
- Any additional relevant information that would be useful to the Team.

The role of the Team is to review the alleged threat and evaluate the alleged student’s behavior/conduct in light of the accumulated evidence in order to determine if a violation of College policy has occurred and whether or not the student constitutes a threat.

The VPSS or designee will provide a written notification to the student explaining that a Team has been assembled and is evaluating the possible threat. This notification will also include the date and time of the Threat Assessment Hearing. Prior to the hearing, the student has the right to review all evidence, including written statements. Strict rules of evidence do not apply in the hearing. If the student is not



able to attend, reasonable modifications to the date will be made. However, if the student chooses not to attend the scheduled hearing, the hearing will proceed as planned utilizing the evidence available.

During the hearing, the Team will have full investigatory authority when reviewing the alleged threat and evaluating the student's behavior or conduct. The Team will interview or review statements from the student, witnesses, and other relevant parties involved in the incident. All pertinent parties have a right to speak and be questioned by the Team during the hearing. Direct cross-examination between parties takes place in a modified format. The student has the right to pose questions of those providing evidence through the Team chair.

The Team has the right to inspect the student's school record and may request that the student provide secondary and post-secondary school records. The Team may also request that the student provide additional information such as medical records.

The student is allowed to be accompanied by an advocate. The role of the advocate is to provide support to the student and not to speak on behalf of the student unless invited to do so by the chair. If the student chooses to have an advocate, the student must provide the name and role of the advocate to the VPSS at least three College business days prior to the hearing date.

### Threat Assessment Finding

The student has a right to a written notice of the hearing outcome. The hearing outcome will determine if the student is in violation of this procedure and the Code of Student Conduct (Policy #804), and if any sanctions should be imposed. Possible sanctions may include:

- Warning;
- Probation;
- Administrative withdrawal from the Academic Program or course without refund;
- Required counseling;
- No contact directive;
- Suspension from the College without refund;
- Expulsion with automatic appeal to the President; and
- Other sanctions deemed appropriate

### Appeal

The student has a right to appeal the outcome of the Threat Assessment Hearing to the College President or designee. Upon receipt of the hearing outcome, the student has five College business days to submit a notice requesting an appeal. This notice must be submitted in writing to the Office of the VPSS. If the recommendation of the Team is suspension from the College, the student will remain suspended through the appeal process. The President's document review does not include a new hearing but shall consist of evidence presented at the hearing along with a recording of the proceeding. The President or designee will affirm, modify, or overturn the decision of the Team. The President or designee's decision will be final and notification of the decision will be sent directly from the Office of the President to the student.

## Return to Campus

A student who is suspended from the College as a result of a threat assessment may be considered for re-enrollment. A student wishing to be considered for re-enrollment should contact the Office of the VPSS. Based on sanction requirements additional documentation may be required, including compliance with any conditions that may have been set for re-enrollment.

## Records Retention

All documentation will be stored in the Office of the VPSS for a period of seven years at which point the documentation will be moved to an electronic version to be retained permanently. In cases where the student is found to be in violation of this policy or other College policies, this information will be considered as a disciplinary record with the College.

## Definitions

**Expulsion:** Completely withdraw from the College. Does not typically allow for re-enrollment.

**Suspension:** Complete withdraw from the College with option for future re-enrollment after a specified period.

**Threat:** Any concerning communication or behavior that suggests to a reasonable person that an individual may intend to harm self, others, or property. The threat may be spoken, written or gestured and is considered a threat regardless of whether it is observed by or communicated to a third party.

Updated March 13, 2019.

## Appendix E

### Policy 509.02: Employee Due Process

It is the policy of the Board of Trustees to provide an equitable system of due process for eligible full-time regular employees who have been recommended for dismissal or demotion during the contract period. Eligible employees shall have the right to appeal any such demotion or dismissal to the Chair of the Board of Trustees, who shall then refer the appeal to the Executive Committee.

This policy does not apply to a reduction in force as defined in Policy 503.10.

#### Scope

Applies to full-time regular contracted employees.

#### Definitions

Employee position categories are defined in Policy 503.05.

**Eligible employee:** Full-time regular employee who has satisfactorily completed the introductory period and is serving under a current employment contract.

**Demotion:** A reduction in salary which may or may not include a reassignment of duties.

**Dismissal:** An involuntary separation from employment for cause that occurs when a full-time regular employee is under contract. This policy is only applicable to dismissals of eligible employees that occur during the contract period.

#### Policy Owner

Vice President, Human Resources and Organizational Development, Ext. 7178

See Employee Due Process Procedure

Approved by the Board of Trustees on December 11, 2017.

### Procedure 509.02: Employee Due Process

#### Recommendation

**Dismissal and Demotion:** A recommendation for dismissal or demotion may only be made if cause exists. A recommendation to dismiss or demote an eligible employee must first be communicated to the President in writing by the Senior Administrator of the division. When the employee reports directly to the President, the President will initiate the action. Notice must state the reasons for the recommendation to dismiss or demote and must be supported by evaluations and other documents relevant to the employee's performance and/or conduct. If, after reviewing the documentation, the President concurs with the recommendation for dismissal or demotion, the President shall notify the employee of the intention to recommend to the Board of Trustees that the employee be dismissed or demoted.

**Board Action:** A recommendation for dismissal or demotion shall not be brought before the Board of Trustees until the time to appeal, as provided in this procedure, has expired.

## Appeal

1. An employee may request a hearing before the Board of Trustees regarding the decision to recommend dismissal or demotion. The employee must notify the President of the desire for a hearing within ten (10) days after receipt of the President's recommendation and the notice must state specifically the employee's grounds for appeal.
2. The hearing shall be held before the Executive Committee, who are appointed by the Chair of the Board of Trustees.
3. The hearing before the Board shall be not less than ten (10) or more than thirty (30) days after the date of the request. The President shall make sure that the employee receives notice of the date, time, and place of the hearing.
4. The employee may be represented by an attorney at the hearing and has the right to a) present evidence, b) present and cross-examine witnesses, and c) examine all documents produced at the hearing. If the employee will be represented by an attorney, the name of the attorney and the intent of appearance should be included in the request for a hearing.
5. The President may participate in the hearing, present evidence, present and cross-examine witnesses, and may also be represented by an attorney.
6. A record of the hearing shall be made by an electronic recording device or verbatim transcript.
7. The Executive Committee shall decide whether the President's recommendation of dismissal or demotion is supported by the evidence and meets the requirements set forth in College policy and this procedure.
8. The Executive Committee shall transmit its decision in writing to the employee and the President within ten (10) days after the hearing. A copy of the written decision shall be placed in the employee's personnel file.
9. Any notice required or contemplated by this policy shall be in writing and shall be transmitted by certified mail, return receipt requested, or by hand delivery.

## Suspension and Other Disciplinary Procedures

1. An employee recommended for dismissal may be suspended with pay pending the outcome of the due process proceeding unless in the opinion of the President, the conduct of the employee warrants suspension without pay.
2. This procedure does not preclude the use of other disciplinary measures, such as reprimands, probation, or temporary suspension from employment (with or without pay).

## Other Policies

1. This procedure does not apply to dismissals or demotions brought about because of financial exigency or program change. Those situations are covered by the Reduction in Force Procedures in Policy 503.10, Separation from Employment.

An eligible employee who believes that dismissal was based on an unlawful reason(s), may also follow the reporting process identified in Policy 509.03, Grievance and Reporting. Such a report will prompt an investigation by the Human Resources Department.

## Definitions:

**Day:** Monday through Friday, excluding legal holidays when the College is not open.

**Cause for dismissal or demotion:** Includes, but is not limited to, inability or unwillingness to perform assigned duties, inadequate or unsatisfactory job performance, acts of insubordination, violations of written or announced policies, unacceptable personal or professional conduct, and illegal acts of such a nature as to affect one's job performance or the reputation of the College.

Pursuant to Board policy, Chapter 500, Section 509.02, this procedure must be followed when dealing with employee due process.

**Owner:** Vice President, Human Resources and Professional Development, Ext. 7178

**Updated:** December 11, 2017

[Appendix F](#)

ACKNOWLEDGMENT

I, \_\_\_\_\_

\_\_\_\_\_ An applicant for employment with A-B Tech, and as a condition of employment.

\_\_\_\_\_ An employee of A-B Tech.

Hereby certify that I have received a copy of the College’s drug and alcohol free workplace policy. I agree to abide by the policy and recognizes that violation of this policy can subject me to disciplinary action up to and including termination. I agree to notify the College within 5 days after conviction of any criminal drug status where such violation occurred on the College campus or on official businesses, or as a part of any official business, or as a part of any official College activity. I further realize that federal law mandates that the College communicate this conviction to the federal agencies granting funding to the College, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

\_\_\_\_\_

Signed

\_\_\_\_\_

Date