

## **Drug and Alcohol Policy and Procedure**

### Drug and Alcohol Policy

It is the policy of LTC to promote a safe, healthy and productive environment for all students and employees and to maintain a learning and working environment that is free from the negative impact of drug and/or alcohol abuse. In compliance with the provisions of the Drug Free Schools and Communities Act, LTC has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

LTC prohibits students, employees, and visitors from being on any LTC campus or attending any College-sponsored off-campus activity while impaired by any impairing substance. LTC also prohibits the manufacture, possession, use, distribution, or sale of controlled substances or alcohol during work time and breaks, on any LTC campus or class/work sites, while driving a LTC 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 LTC Director 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 Director's Office.

### Definitions

**Student:** A person who is registered for, enrolled in, or attending a LTC program or course, regardless of the program/course location.

**Employee:** A person who is hired to provide services to LTC 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 LTC'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 2014 Florida Statute 893.03, Drug Abuse Prevention and Control Act, prescription medications, over-the-counter medications and chemical inhalants.

**Controlled Substance:** A drug, substance, or immediate precursor included in Schedules I through V of the Florida Drug Abuse Prevention and Control 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.

## **Drug and Alcohol Procedures**

### Employees

LTC, working in partnership with Lake County School Board (LCSB), complies with the Drug Free Workplace Act and applicable Department of Education requirements by taking the following steps, as they apply to LTC/LCSB employees:

1. Prepares the Drug and Alcohol Prevention Program (DAAPP) for annual distribution to all employees.
2. Publishes the Drug and Alcohol Policy and Procedures in LTC's Policies and Procedures Manual which is located on the College's intranet and annually notifies employees of the document's updating. The Drug and Alcohol Policy and Procedures document is also posted on the employee portal of the LCSB website.
3. Incorporates information about Drug and Alcohol policy and procedures in New Employee Orientation provided by LCSB.
4. Through LCSB, offers an employee assistance program, which includes drug and alcohol information, short-term counseling, and referrals.
5. Notifies employees of their obligation to notify the Human Resources Department of any conviction of a criminal drug violation in the workplace (see below).
6. In conjunction with LCSB, follows the established procedure for notifying the Florida State Department of Education when receiving notice that a covered employee has been convicted of a criminal drug violation that occurred.
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.

Consistent with the Drug Free Workplace Act, employees are required to:

1. Sign a Drug-Free Workplace Statement as a condition of employment.
2. Abide by all terms of the Drug and Alcohol Policy and Procedures.
3. Notify the Human Resources Department in writing, within 48 hours after conviction of a criminal drug violation that occurred while on the College's premises or while participating in a work-related activity.
4. Participate in the employee assistance and/or complete a treatment program, if required by LTC/LSCB as a condition of continued employment.

Employee Assistance Program/Substance Abuse Treatment

LTC encourages the identification and treatment of alcohol and chemical dependency in its early stages before work is affected. Toward this end, LTC/LSCB provides 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

LTC/LCSB maintains a drug/alcohol screening program consistent with legal requirements. All drug/alcohol screening is conducted in an approved laboratory identified by LCSB and in accordance with the Florida State Statutes. All drug/alcohol screens must be approved by LTC/LCSB and coordinated through the LTC Human Resources Department.

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

1. Pre-employment drug screens are required of all job applicants selected for employment and/or LTC programs where such screening is a requirement for placement at a clinical or other site.
2. Reasonable Suspicion drug testing is based on the belief that an employee is using or has used drugs in violation of the LCSB policy drawn from specific objective and articulate facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - a. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.

- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  - c. A report of drug use in the workplace, provided by a reliable and credible source.
  - d. Evidence that an individual has tampered with a drug test during his employment with LCSB.
  - e. Evidence that an employee has caused or contributed to an accident while at work.
  - f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on any LCBS/ premises or while operating a LTC/LCSB vehicle, machinery, or equipment.
3. Routine Fitness for Duty Drug Testing may be required of an employee if the test is conducted as part of a routinely scheduled employee fitness for duty medical examination that is part of or becomes part of LCSB's established policy or that is scheduled routinely for all members of an employment classification or group.

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

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.

When an employee is chaperoning students on an off-site activity, she or he has an obligation to inform the students that LTC'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

As outlined in LCSB Policy 6.33, Alcohol and Drug-Free Workplace, any employee who violates the terms of this policy may be subject to non-renewal of his/her contract or employment or he/she may be disciplined, suspended or terminated. When an employee has a positive confirmed drug test, such action by the School Board will be considered to be for cause. When a job applicant has a positive confirmed drug test, or otherwise violates the terms of this policy, the School Board may refuse to hire the applicant and such refusal to hire will be considered to be for cause. Refusal of the job applicant to submit to a drug test is a basis for refusal to hire the applicant for a period of six (6) months. Violations may also result in legal consequences LTC/LCSB will notify the appropriate authorities whenever warranted.

Within five (5) working days of the receipt of a positive confirmed test result from the Medical Review Officer, LTC/LCSB will inform the employee in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. If an employee has a confirmed-positive test result for an alcohol level or an unlawful drug or substance, the employee may be subject to disciplinary action up to and including termination of employment, consistent with the applicable collective bargaining agreement, if applicable.

Follow-up drug testing will be required if the employee, in the course of employment, enters an employee assistance drug-related program or an alcohol or drug rehabilitation program, unless the employee voluntarily entered the program. Such an employee will be required to submit to a drug test, as a follow-up to such a program on a quarterly, annual or semi-annual basis for up to two (2) years thereafter. No advance notice of the follow-up testing date will be given to the employee.

When an employee refuses to submit to a drug test, as described in Section 7(a) 1.3. of this Policy, the School Board authorizes the Superintendent or designee to take appropriate action including, but not limited to, disciplinary action up to and including dismissal from employment with the School Board of that employee according to LCSB Policy 6.38.

### Students

LTC is committed to providing each of its students a drug-free environment in which to attend classes and study. From a safety perspective, the users of drugs or alcohol may impair the well-being of students, interfere with LTC'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 narcotics, drugs, other controlled substances or alcohol is prohibited on all LTC campuses or as part of any College-sponsored activity. The specifics of this policy are as follows:

1. No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other "controlled substance" before, during, or after school hours on any LTC campus, at any other College locations, or at College-sponsored events activities or events.
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 possesses, uses, sells, gives, or in any way transfers a controlled substance or manufactures a controlled substance while on any LTC campus or as part of any College-sponsored activity will be subject to disciplinary action up to and including expulsion and referral for prosecution, and possible legal sanctions.
4. LTC annually hosts Drug and Alcohol Abuse Awareness programs for students. These programs are 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 in the Admissions Office at the Eustis campus.
5. Instructors have the discretion to determine whether a student may be under the influence of drugs or alcohol. If the instructor suspects a student is under the influence of drugs or alcohol, he or she has the authority to contact an administrator to remove the student from the classroom. The administrator will notify the student of his/her alleged violation of Code of Student Conduct, his/her rights as outlined in the Code of Student Conduct, and the subsequent steps that will follow.

LTC complies with applicable Department of Education requirements by taking the following steps, as they apply to students:

1. Prepares LTC's Drug and Alcohol Prevention Program (DAAPP) for annual distribution to all currently enrolled students.
2. 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 attached.
3. Incorporates information about drug and alcohol policy and procedures in New Student Orientation.

4. Reserves the right to search the person, vehicle, and/or personal property of employees when on an LTC campus and/or while on duty regardless of location, consistent with applicable law.

#### Consequences for Violating Policy/Procedures

A student who violates the terms of this policy will be subject to disciplinary action in accordance with the Code of Student Conduct policy and procedures. At his or her discretion, the LTC Director or her/his designee may require any student who violates the terms of this policy to satisfactorily participate in a drug abuse awareness program or seminar conducted by member of the LTC Counseling staff. For more severe infractions, the student may be required to complete an off-campus drug abuse rehabilitation program or an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued enrollment at LTC.

#### College-Wide

LTC complies with the Drug Free Schools and Campuses Act (DFSCA) and applicable Department of Education requirements by instituting the following practices:

1. LTC will conduct an annual review of the effectiveness of the College's DAAPP. This activity will be the responsibility of the LTC Director and the administrative team. The review will be completed by June 30 of each year, and the DAAPP will be revised accordingly and prepared for fall term distribution.
2. Annual review information will be compiled to produce a biennial review as required by the Department of Education and the DFSCA.

#### **Local, State & Federal Legal Sanctions**

It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession, sale, manufacture or distribution of alcohol or any other controlled substance is illegal under both state and federal drug laws. These laws are strictly enforced LTC or any law enforcement agency with jurisdiction on LTC's campuses. LTC's Code of Student Conduct also states students may not possess, use, or be under the influence of alcoholic beverages nor any narcotic or illegal drugs on campus or at College-affiliated activities or events.

Anyone found to be in violation of local, state or federal law, will be criminally charged and will be subject to criminal prosecution, fine and/or imprisonment.

*A violation of any law regarding alcohol is also a violation of the College's Code of Student Conduct will be treated as a separate disciplinary matter by LTC.*