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**TITLE: SUBSTANCE AND ALCOHOL ABUSE****POLICY NO: 3-19****EFFECTIVE DATE: 10/01/90****VCCS POLICY NO: [3.14.3](#), [3.14.4](#)****REVISED DATE: 05/30/17****I. Purpose:**

To demonstrate the college's commitment to protecting the health, safety, and welfare of the citizens it serves by assuring that a drug-free workplace is maintained and that employees perform their duties unimpaired by the effects of drugs or alcohol, in compliance with the Federal Drug-Free Workplace Act of 1988 and The Safe and Drug Free Schools and Communities Act of 2001 (SDFSCA).

**II. Definitions:**

Alcohol: any product as defined in the [Code of Virginia, Title 4.1, Chapter 1-100](#), The Alcoholic Beverage Control Act, as amended.

Controlled drug: any substance defined as such in the [Code of Virginia, Title 54.1, Chapter 34](#), The Drug Control Act, as amended, and whose manufacture, distribution, dispensation, use, or possession is controlled by law.

Conviction: a finding of guilt (including a plea of guilty or *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug laws, alcohol beverage control laws, or laws that govern driving while intoxicated.

Criminal drug law: any criminal law governing the manufacture, distribution, dispensation, use or possession of any controlled drug.

Employee: administrative faculty, professional faculty, teaching faculty, classified and non-classified, full-time and part-time, salaried and hourly persons, and any and all other individuals, except independent contractors, employed by the college.

Employee Assistance Program (EAP): a confidential assessment, referral, and short-term problem-solving service available to eligible employees and family members. Enrollment in the EAP is automatic as part of the Commonwealth's health care coverage plan. The EAP helps participants deal with problems affecting personal and work life, such as conflicts within the family and workplace; personal and emotional concerns; alcohol and substance abuse; financial and legal problems; elder and childcare; and career concerns and other challenges.

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Other drug: any substance other than alcohol that may be taken into the body and may impair mental faculties and/or physical performance.

Workplace: any state-owned or leased property, or any site where college employees are performing official duties.

III. Policy:

A. The unlawful or unauthorized use of alcohol or other drugs on college property is prohibited. Any person employed by J. Sargeant Reynolds Community College (Reynolds) shall not unlawfully possess, sell, use, manufacture, give away, or otherwise distribute controlled substances, or other drugs, or where prohibited, alcohol while on campus, attending a college-sponsored off-campus event, or while serving as a representative of the college at off-campus meetings. Violations of this policy shall be handled according to existing human resource policies and procedures governing the conduct of administrators, faculty, and staff. Further, for employees who allegedly commit a criminal offense related to this policy, the college reserves the right to notify the appropriate agencies of the U.S. Government, the Commonwealth of Virginia, and county and/or city governments for investigation and, if warranted, prosecution.

B. Violations

1. Each of the following constitutes a violation of this policy:

- a. the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace
- b. impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes
- c. a criminal conviction for a:
  - (1) violation of any criminal drug law, based upon conduct occurring either on or away from the workplace
  - (2) violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace
- d. an employee's failure to report to his/her supervisor the employee's conviction of any offense

C. Disciplinary action

1. Any employee who violates this policy may be subject to disciplinary action, including discharge, referral for criminal prosecution, and/or referral to an assistance or rehabilitation program at the discretion of management.

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2. Any employee who is referred to an assistance or rehabilitation program must satisfactorily participate in such a program. Satisfactory participation in such a program shall be determined by management after consultation with the individual or organization providing the assistance or rehabilitation and/or Employee Assistance Program (EAP).

**D. Employee responsibilities**

As a condition of employment, all employees shall:

1. abide by the [Department of Human Resource Management \(DHRM\) Policy 1.05, Alcohol and Other Drugs](#);
2. abide by the terms of college policy; and
3. notify the immediate supervisor of any conviction of criminal drug law in or outside the workplace or conviction of alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace no later than five (5) days after such conviction is entered, as required by federal law. An employee's appeal of a conviction does not affect the employee's obligation to report the conviction.

**E. College responsibilities**

1. The college shall ensure that all new employees are provided with a copy of this policy, including resource information on the health risks associated with the illicit use of drugs or the abuse of alcohol, and a general description of criminal sanctions under federal and state law, for the unlawful possession or distribution of drugs and alcohol, as required by The Safe and Drug Free Schools and Communities Act of 2001 (SDFSCA). Furthermore, the college shall inform its employees of the dangers of drug abuse in the workplace, available drug and alcohol counseling, and rehabilitation and employee assistance programs.
2. The college shall ensure that disciplinary actions taken as a result of a violation of this policy are consistent, fairly applied, and not unduly harsh or punitive based on the severity and nature of the violation.
3. The college shall inform the federal contracting or granting agency within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring at the workplace or otherwise receiving actual notice of such conviction, as required by the Drug-Free Workplace Act of 1988.
4. The college shall, within thirty (30) days of receiving notice of an employee's conviction for a criminal drug statute offense occurring in the workplace, take appropriate disciplinary action against such employee and/or require employee to

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participate satisfactorily in a drug abuse assistance or rehabilitation program, as required by the Drug-Free Workplace Act of 1988.

**F. Rehabilitation programs**

1. Employees experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling assistance. Supervisors are encouraged to assist employees seeking such assistance. Notwithstanding an employee's voluntary participation in a drug or alcohol rehabilitation program, the employee is expected to perform his/her duties according to developed job standards and expectations.
2. The Commonwealth's [Employee Assistance Program \(EAP\)](#) is available to full-time state employees (who participate in the Commonwealth's healthcare program) for counseling and referral for drug and alcohol-related problems as well as other personal problems. Part-time college employees shall be referred to community resource programs.
3. With respect to any violation of this policy, the following provisions regarding rehabilitation apply:
  - a. Supervisors should consult with the associate vice president of human resources prior to referring a college employee to the Employee Assistance Program.
  - b. Management is encouraged to consult with the associate vice president of human resources in determining whether a college employee referred to the Employee Assistance Program has satisfactorily participated in the program.
4. Other agencies, such as the Virginia Department of Behavioral Health and Developmental Services and the Virginia Department of Health, may be contacted to provide assistance and referral information.
5. Employees may be granted leaves of absence (leave without pay if no leave balances are available) to participate in the EAP for treatment of drug or alcohol abuse at the discretion of management.

**G. Confidentiality and maintenance of records**

All records and information concerning human resource actions related to this policy shall remain confidential and shall be disclosed only with the employee's permission or when the office of human resources and the supervisor determines that disclosure is necessary for the efficient operation of the college.

**H. Coverage of college faculty and staff**

This policy is applicable to all employees of the college.

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I. Biennial review

The college shall conduct periodic reviews (at least biennially) of its drug prevention programs to determine their effectiveness to ensure that disciplinary sanctions are consistently enforced and to implement changes as required.

IV. Procedures:

A. Education and prevention

The college is committed to protecting the health, safety, and welfare of all employees. Above and beyond potential disciplinary action resulting from the possession or consumption of illegal substances on campus, the college recognizes the need and responsibility to provide information and counseling services regarding the hazards of substance abuse.

The following activities and services will be offered at Reynolds in an effort to prevent substance abuse by faculty and staff:

1. All new employees will receive and acknowledge, by signature, the "Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs."
2. All new employees will be directed to and acknowledge by signature the J. Sargeant Reynolds Community College Employee Handbook housed on the college's intranet site [JSR Employee Handbooks](#), which summarizes the college's Substance and Alcohol Abuse Policy and includes a link to the full text of [Reynolds Policy No. 3-19](#), Substance and Alcohol Abuse.
3. [Reynolds Policy No. 3-19](#), Substance and Alcohol Abuse, will be made available to all employees on the college's intranet site.
4. The college's CommonHealth Program will routinely incorporate information regarding the hazards of alcohol and substance abuse, while promoting healthy lifestyle options for college employees.
5. The manager of training and development will ensure that college training opportunities in the areas of safety, workers' compensation, and other human resource topics will incorporate the hazards of alcohol and substance abuse in the workplace.

B. Reasonable suspicion drug testing

Reasonable suspicion drug testing, also known as for cause drug testing, may be performed when the college has evidence or reasonable cause to suspect an employee is under the influence of drugs and/or alcohol. Evidence will be based upon direct

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observation, either by a supervisor or another employee. Specific reasons for reasonable suspicion testing may include physical evidence of illicit substances (slurred speech, bloodshot or dilated eyes, unsteady or staggering walk), erratic or abnormal behavior, disorientation or confusion, or an inability to complete routine tasks.

1. An employee who observes another employee exhibiting signs of being under the influence of drugs is to notify their supervisor/manager or the supervisor of the employee in question. A supervisor who observes an employee exhibiting signs of being under the influence of drugs and/or alcohol will notify his/her manager or, if not available, another supervisor.
2. If, after also observing the employee, the manager or second supervisor agrees that there is cause to believe the employee may be under the influence of illicit substances, the office of human resources will be notified. Meanwhile, the supervisor is to retain the employee in the work unit under direct observation; the department of police may be contacted to assist if needed.
3. The supervisor and/or a representative from the office of human resources will notify the employee that the college believes there is reasonable suspicion that he/she is under the influence of an illicit substance and request that he/she submit to a drug test.
4. The department of police will be contacted to provide transportation to and from the site of the drug testing facility.
5. If the employee declines to submit to drug testing, he/she will be advised of the potential violation of [DHRM Policy 1.05, Alcohol and Other Drugs](#), and possible subsequent disciplinary action.
6. The employee under suspicion will not be allowed to drive home, but college management will assist in arranging transportation home.
7. The office of human resources will provide appropriate guidance to the supervisor regarding the status of the employee while the results of the drug test are pending and will consult with the supervisor and manager regarding disciplinary action, if appropriate, once test results are received.
8. All communications in these matters will remain strictly confidential, and only parties with a specific need to know will be included in such communications.

V. Other Information:

- [Department of Human Resource Management \(DHRM\) Policy 1.05, Alcohol and Other Drugs](#)
- [Virginia Community College System \(VCCS\) Policy 3.14.3, Illegal Substance Policy](#)

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- [Virginia Community College System \(VCCS\) Policy 3.14.4](#), Substance Abuse Policy

Resources:

- [Commonwealth of Virginia Employee Assistance Programs \(EAP\)](#)
- Federal Drug Offense Sanctions and Penalties, <http://www.ncjrs.gov/pdffiles/denybene.pdf>
- Governor's Office for Substance Abuse Prevention, <http://www.gosap.virginia.gov/>
- [Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs](#)
- US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, [www.samhsa.gov/](http://www.samhsa.gov/)
- University of Virginia Gordie Center for Substance Abuse Prevention, <https://gordiecenter.studenthealth.virginia.edu/>
- Virginia Department of Behavioral Health and Developmental Services, Office of Substance Abuse Services, <http://www.dbhds.virginia.gov/individuals-and-families/substance-abuse>

Alcohol and other drug information:

- [American College Health Association](#)
- [American Council for Drug Education](#)
- [Center on Addiction and the Family](#)
- [College Drinking, Changing the Culture](#)
- [Do It Now Foundation \(DIN\)](#)
- [Facts on Tap, Alcohol and College](#)
- [Marijuana Anonymous World Services](#)
- [Mothers Against Drunk Driving \(MADD\)](#)
- [National Council on Alcoholism and Drug Dependence \(NCADD\)](#)
- [National College Alcohol Study-Harvard](#)
- [National Institute on Drug Abuse \(NIDA\)](#)
- [National Institute, Alcohol Abuse & Alcoholism \(NIAAA\)](#)
- [Office of National Drug Control Policy \(ONDCP\)](#)
- [Project Cork - Dartmouth Medical School](#)
- [College Drinking--Changing the Culture](#)

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- [Students Against Destructive Decisions \(SADD\)](#)
- [Treatment Locator, AOD \(SAMHSA\)](#)
- [Women for Sobriety](#)

Tobacco specific information:

- [American Cancer Society](#)
- [American Heart Association](#)
- [American Lung Association](#)
- [Foundation for Smoke-Free America](#)
- [Smoke-Free](#)

Interpretation:

The Office of Human Resources is responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to the Office of Human Resources.