

## Substance Abuse Policy

### Substance Abuse Policy for Employees and Students

#### I. Substance Abuse Policy for Employees and Students

##### A. Purpose

The County College of Morris (the “College”) acknowledges that substance abuse is a serious and complex, but treatable, condition/disease that negatively affects the productivity of employees and students, the stability of the institution, and a condition which endangers employees and students. It also has an adverse effect on the personal and family lives of employees and students.

The purpose of this policy is to:

1. Ensure that the College working and learning environment for employees, students, and the public is safe, orderly and free of illegal activity.
2. Comply with the Drug-Free Workplace Act of 1988, 41 U.S.C. \*701, et seq., and other relevant substance abuse laws.
3. Provide employees and students with access to appropriate treatment and rehabilitation assistance for substance abuse.

The College is dedicated to educating its students and employees about substance abuse and maintaining a drug-free learning environment and workplace. In addition to education, the College will discipline students and employees who are involved in substance abuse, up to and including termination from employment at the College or dismissal as a student from the College.

To further the goals of this policy, each student and employee shall receive a copy of this policy.

##### B. Alcoholic Beverages

Except at specific functions approved by the College, the use, possession, or sale of alcoholic beverages on the College campus is strictly forbidden. It is also strictly forbidden to be under the influence of alcoholic beverages while engaged in College-related activities, or while on the College campus. When authorized by the College, the use of alcoholic beverages by students and employees at College functions shall be in strict accordance with College, local, and state regulations.

C. Controlled Substances

The manufacture, use, possession, sale, distribution, or being under the influence of narcotics, chemicals, psychedelic drugs, or other controlled substances by an individual engaged in College-related activities or while on the College campus is illegal and strictly forbidden, unless the use or possession of medication is prescribed by a licensed physician. A student enrolled in the clinical phase of a health profession program may not use a prescribed controlled substance including marijuana if such use is precluded by the policies of the health care institution that serves as the clinical education site.

On February 22, 2021, New Jersey Governor Phil Murphy signed adult-use cannabis reform bills into law, legalizing and regulating cannabis use and possession for adults 21 years and older (A21—“The New Jersey Cannabis regulatory, Enforcement Assistance, and Marketplace Modernization Act”) and decriminalizing marijuana and hashish possession (A1897). The Governor also signed S354, clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old. Despite this state legislation, the College is still subject to numerous federal laws, which continue to prohibit the use and possession of cannabis on the College’s campus.

At the federal level, the Controlled Substances Act criminalizes the growing and use of marijuana. In addition to being a federal offense under the act, the use of medical marijuana in the workplace and on campus is restricted by federal laws, such as the federal Drug-Free Workplace Act and the federal Drug-Free Schools and Communities Act. Therefore, the College has determined that due to requirements as a recipient of federal funds, the possession, use, manufacture, cultivation, dissemination, and storage of recreational or medicinal cannabis in any form, is prohibited on-campus inclusive of those properties owned or controlled by the College or at College-sponsored activities and events.

D. Sanctions

Persons violating these policies will be subject to applicable civil and criminal penalties. College-connected persons further will be subject to College disciplinary action, which may include suspension or dismissal.

E. Assistance

As part of its policy on substance abuse, the College provides support for students and employees in the following ways:

1. Establishment of student and employee assistance programs which provide counseling and referral for students and employees who are experiencing substance abuse problems.
2. College sponsorship of informational programs and activities for students and employees related to substance abuse.

3. Promotion of alcohol and drug rehabilitation groups who are encouraged to meet on the campus.
4. Inclusion of substance abuse education information in orientation and health courses.

## II. Definition of Terms Used

The terms listed below when used in this policy will have the following meanings unless otherwise specified:

Abuse--The use of mood-altering or performance-altering substances for other than medical purposes as directed by a physician.

Alcohol--Any beverage containing a percentage of alcohol which is prohibited from sale and/or possession by individuals under 21 years of age (N.J.S.A. 33:1-1).

Controlled Substances--Any drug or alcoholic beverage, including prescribed medication, as identified in N.J.S.A. 24:21-2, or Schedules I through V, or Section 202 of the Controlled Substance Act (21 U.S.C. \*812).

Statement of Confidentiality--Means the non-disclosure of information voluntarily communicated by an employee or student to a college Referral Advisor where the employee or student confidentially seeks substance abuse assistance, except that the Referral Advisor shall not be bound to honor a request for confidentiality where the information (i) discloses an intent to commit a criminal act; (ii) indicates an imminent risk of harm to the student or employee, or to other persons or property; (iii) reveals possession of a controlled substance on the College campus; (iv) indicates substance abuse by a student whose participation in a clinical program, course of study leading to licensure, athletic program, or employment for the College is conditioned upon consent to disclosure of information relevant to determination of physical and psychological qualification and fitness for the program or activity.

Criminal Drug Statute--Means a criminal statute involving the manufacture, distribution, dispensation, use or possession of any Controlled Substance.

Employee Assistance Program--Means employee counseling services provided by Lucet Health pursuant to contract with the College, and any successor counseling services provided by a similar agency or center pursuant to a successor contract with the College.

Referral Advisor--In the instance of employees, means Human Resources and in the instance of students, means student Counselors personnel.

Reasonable Suspicion--Suspicion of possible alcohol or controlled substance abuse, or possession based upon observations or statements of concern by College staff, students, relatives, friends, physicians, counselors, or law enforcement authorities, or based upon observation of an individual's physical condition or behavior, including erratic attendance, job performance, or academic performance.

### III. Procedures Applicable to Employees

#### A. Adherence to Substance Abuse Policy

As required by 41 U.S.C. \*703, it shall be a condition of each employee's employment that he/she shall (1) abide by the terms of this policy; and (2) notify the College of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Within ten (10) days of receipt of such notification, or upon receipt of actual notice of such a conviction, the College shall notify any agency providing federal funding. Within thirty (30) days after receiving notice of an employee's conviction, the College shall take appropriate personnel action against an employee convicted of a criminal drug offense occurring in the workplace. Sanctions may range from dismissal from employment to a requirement that the employee satisfactorily participate in an approved drug abuse program.

#### B. Voluntary Request for Assistance

Employees are encouraged to seek help for alcohol or substance abuse, or for someone in a close relationship with them. Employees may seek assistance from Human Resources personnel, Health Services personnel, or under the Employee Assistance Program. At the time of initial request for assistance, the Referral Advisor shall provide the employee with disclosure, in writing, of the Counseling Confidentiality guidelines in this policy.

#### C. Involuntary Referral

When there is Reasonable Suspicion of substance abuse by an employee, the supervisor shall request that the employee be evaluated and/or tested, at the expense of the College, by a qualified physician, psychologist, local hospital, or accredited substance abuse testing facility designated by the College ("Diagnostician").

#### D. Evaluation Report

The Diagnostician shall determine whether an employee voluntarily seeking assistance, or involuntarily referred for evaluation, is engaged in substance abuse, and if so, whether the ability of the employee to satisfactorily discharge his/her employment responsibilities and functions may be impaired. If the Diagnostician determines that the substance abuse may impair the discharge of employment responsibilities and functions, the College Vice President, in whose division the employee is assigned, shall be so advised, and the employee shall be placed on disability leave, with return to active employment being conditioned upon

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evidence of successful completion of an approved rehabilitation and treatment program. The employee shall be offered an opportunity to discuss the substance abuse determination with the substance abuse counselor before the determination is transmitted to the Vice President.

E. Disability Leave and Return to Duty

Any available accumulated sick leave must be utilized during the disability leave. The Human Resources personnel shall advise the employee of health insurance benefits available for approved rehabilitation and treatment programs. When requesting reinstatement to active duties, the employee shall furnish the Human Resources personnel with written verification from the treatment center of successful completion of the rehabilitation and treatment program. Additionally, the College may, at its expense, require the employee to be evaluated by qualified professionals designated by the College to confirm the ability of the employee to resume active duties. The College reserves the right to impose conditions and limitations upon the resumption of duties as recommended by the rehabilitation and treatment center or professional consultants.

F. Discipline

While this policy is intended to encourage those engaging in substance abuse to seek treatment, nothing contained in this policy shall preclude the College from imposing appropriate discipline due to unsatisfactory performance. Recidivism, refusal to participate in a recommended treatment program, or refusal to submit to substance abuse evaluation to verify fitness to continue or return to duty, shall be grounds for a dismissal from employment.

#### **IV. Procedures Applicable to Students**

A. Voluntary Request for Assistance

Students are encouraged to seek help for problems with substance abuse. Counseling Services and Health Services provide for direct assistance and confidential referral services for students seeking help with a substance abuse problem.

B. Involuntary Referral

A person having Reasonable Suspicion of substance abuse by a student, shall so advise Counseling Services or Health Services. A checklist of suspicious physical or behavioral manifestations shall be completed immediately by the Referring Advisor. The Referring Advisor shall meet with the student and provide the student with disclosure in writing of the Counseling Confidentiality Guidelines in this policy. If the student voluntarily offers information that he or she has a substance abuse problem, a referral will be made immediately to an appropriate treatment agency.

- C. Temporary Suspension  
Where there is Reasonable Suspicion of substance abuse, if the Dean of Students, deems it necessary to assure the safety and health of the students or others, they may suspend a student from classroom attendance, clinical or work program(s), an athletic program or other College functions, until a substance abuse determination is made.
- D. Substance Abuse Evaluation  
When Reasonable Suspicion exists that a student has a substance abuse problem and the student denies that charge, the Referral Advisor shall evaluate the student's statements, attendance records and those statements or observations forming the basis for Reasonable Suspicion of substance abuse or possession. The counselor or nurse may request that the student voluntarily submit to drug testing, or be independently evaluated, at the expense of the College, by a recognized substance abuse center.
- E. Evaluation Report  
If the Referral Advisor determines that the student is engaged in substance abuse, such determination, together with a recommended referral, shall be submitted to the Dean of Students. The Referral Advisor shall offer the student an opportunity to discuss the evaluation report prior to submission of the same to the Dean of Students. Upon receipt of a report that the student is engaged in substance abuse, the Dean of Students may impose long-term suspension of the student and condition return to school or any clinical or work program, athletic program or other College function upon submission of evidence of successful completion of an approved rehabilitation and treatment program. The College reserves the right to impose further conditions and limitations on the student's return to the College as recommended by the professionals supervising the student's rehabilitation and treatment.
- F. Discipline  
While this policy is intended to encourage students engaging in substance abuse to seek treatment, nothing contained in this policy shall preclude the College from imposing appropriate discipline for violation of Student Conduct Codes. Recidivism, refusal to participate in a recommended treatment program, or refusal to submit to substance abuse evaluation to verify fitness to continue or be reinstated to an academic, athletic, or other program shall be grounds for dismissal from the College.