

ALCOHOL AND CONTROLLED SUBSTANCES—INFORMATION RELATED TO THE FEDERAL DRUG-FREE SCHOOL AND COMMUNITIES ACT OF 1989

Purpose

The College desires to facilitate access to appropriate health and medical care for students who develop academic problems, and employees who develop job performance problems as a consequence of drug and alcohol abuse.

Whatcom Community College recognizes drug dependency, including alcoholism, as a treatable illness that interferes with academic and work performances, personal health and safety, and the safety of others. The College recognizes its efforts to facilitate access to appropriate health and medical care for students and employees who develop drug and alcohol problems are limited to the following: 1) the effects of drug and alcohol abuse on a student's academic ability and behavior while involved in College activities; 2) the effects of drug and alcohol abuse on an employee's job performance and on-the-job behavior.

I. Relevant State/Local Laws & College Policies

Both the State of Washington and Whatcom Community College have adopted laws and policies governing the use of alcohol and controlled substances. The following is a summary listing of some of the laws and policies most relevant to Whatcom Community College students and employees.

- A. **STUDENT USE OF MARIJUANA, ALCOHOL, AND CONTROLLED SUBSTANCES:** Students are prohibited from being observably under the influence of marijuana or the psychoactive compounds found in marijuana, or otherwise using, possessing, selling, or delivering any product containing marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, on college premises. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities. Students are prohibited from being observably under the influence of any alcoholic beverage on college premises; with the exception of sanctioned events, approved by the president or designee, and in compliance with state law. Students are prohibited from the use, possession, or the appearance of being demonstrably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined by RCW 69.41, or any other controlled substance under RCW 69.50, except as prescribed for a student's use by a licensed practitioner. These prohibitions apply to every student whenever said student is present upon or in any College facility and whenever said student is present at or engaged in any College-sponsored activity which is held in College facilities or non-College facilities. (WAC 132U-125). Violation of these student responsibilities will result in disciplinary action.
- B. **EMPLOYEE USE/ABUSE OF ALCOHOL AND CONTROLLED SUBSTANCES:** Employees are prohibited from being under the influence of or participating in the unlawful manufacture, distribution, possession, or use of a controlled substance in and on

College-owned or controlled property; disciplinary action and possible termination will be taken in accordance with the Higher Education Personnel Board rules, bargaining unit agreements, tenure laws, or other policies of the institution. (WAC 296-024-073 (6) (e) and College Policy 404).

- C. **DRINKING AGE LAWS:** It is unlawful for any person under the age of 21 years to acquire, possess or consume any alcoholic beverage. It is also unlawful for any person, other than a parent or guardian (and then only in specific situations), to provide alcoholic beverages to someone under 21. (RCW 66.44.270 and Local Ordinances 8707 and 8573).
- D. **COLLEGE FUNCTIONS THAT PROVIDE OR ALLOW ALCOHOLIC BEVERAGES WITHOUT COST (BANQUET PERMITS):** No functions that involve the service or consumption of alcoholic beverages may take place on College grounds without a state banquet permit. (RCW 66.20.010). Any person acting without a required permit shall be guilty of a gross misdemeanor. (RCW 66.44.090). It is illegal to serve alcohol to anyone who appears intoxicated. (RCW 66.44.200).
- E. **SALE OF ALCOHOLIC BEVERAGES ON CAMPUS:** Alcoholic beverages may not be sold on College property without obtaining an appropriate state liquor license. (RCW 66.20) Liquor licenses must be displayed in plain sight at the location of the event. (RCW 66.24.010(7)).
- F. **OPENING OR CONSUMING LIQUOR IN PUBLIC PLACES:** Except where permits have been issued by the State Liquor Board and approval granted by the President, it is illegal to have an open container of alcohol or to consume alcohol in a public place, which includes College hallways and lounges, athletic fields, parks, sidewalks, parking lots, etc. (RCW 66.04.010(23) and 66.44.100 and Local Ordinance 9044.7).
- G. **PROMOTION OF LIQUOR AT WHATCOM COMMUNITY COLLEGE:** No activities by liquor manufacturers or importers or their representatives which promote the sale or consumption of alcoholic beverages, either by brand name or in general, are allowed on College property except in accordance with state regulation and approved by the president. (RCW 66.28.160).

II. ASSISTANCE

The college recognizes its obligation to promote the health, safety, and well being of its students and employees and to encourage appropriate assistance.

- A. **STUDENT ASSISTANCE:** Students are encouraged to voluntarily seek expert assistance for alcoholism or drug dependency. Students who voluntarily reveal to a college staff member that they have been or are currently involved in the abuse of alcohol or illicit drugs shall have the confidentiality and anonymity of the communication respected, except under subpoena. The staff member should refer students to the Whatcom Community College counseling office. The counseling office shall be capable of making referral to community resources for alcohol or drug abuse diagnosis or

treatment. Confidentiality by counselors will be fully maintained according to Federal Law 42 CFR Part 2. No official records shall be kept by counselors. Any student receiving approved professional treatment for an alcohol or drug problem will be considered for emergency medical leave for the purpose of tuition refund according to Whatcom Community College Tuition Fees/Refunds Policy Number 3080. Students will use their own resources to cover costs incurred for treatment. Employees of Whatcom Community College are encouraged to refer students who abuse alcohol or illicit drugs to Whatcom Community College's counseling center for assessment and/or intervention referrals.

- B. **EMPLOYEE ASSISTANCE:** Employees of Whatcom Community College are encouraged to seek help voluntarily when aware that their use of alcohol or illicit drugs, or any related personal problem, is affecting their job performance. It is the policy of Whatcom Community College to expect employees to encourage and model behaviors designed to reduce or eliminate drug abuse in society. Whatcom Community College recognizes drug dependency to be an illness and a major health problem. The institution also distinguishes drug abuse as a potential health, safety and security problem. Employees needing assistance in dealing with such problems are encouraged to utilize WCC Washington State Employee Assistance Program and health insurance plans, as appropriate. Conscientious efforts to seek such help, in and of itself, will not jeopardize employment.

III. SANCTIONS

- A. Whatcom Community College will impose sanctions on students and employees consistent with local, State and Federal laws. These sanctions include possible expulsion or termination of students and employees who violate these laws. Faculty members, other College employees and students who breach or aid or abet another in the breach of any of these provisions shall be subject to: a) possible prosecution under the state criminal law, b) any other civil or criminal remedies available to the public, or c) appropriate disciplinary action pursuant to the State of Washington Higher Education Personnel Board rules or the college's policies and regulations. (WAC 132U-125) and College Policy 404).
- B. Any employee illegally possessing or using an illicit drug, or drinking alcohol in violation of the State law or the provisions of this policy or other college policies will be subject to investigation. Any employee who reports for work in a *substantially* impaired condition will be removed from the job and will be subject to investigation. If warranted the employee may be suspended with pay pending the investigation. If investigation discloses violation of Whatcom Community College policies, disciplinary action may be taken in accordance with Higher Education Personnel Board (HEPB) rules, tenure laws, contracts or other college policies. As an alternative to, or in conjunction with specific disciplinary actions, options for treatment may be offered to the employee.

- C. The College will extend legal protection against liability only to the extent that staff comply with Whatcom Community College policies. In other words, staff will incur the risk of liability by not complying with College policies, procedures, and processes.

IV HEALTH RISKS OF COMMONLY ABUSED DRUGS

a. National Institute of Drug Abuse (NIDA)

<http://www.drugabuse.gov/drugs-abuse>

V LEGAL SANCTIONS

a. Federal Trafficking Penalties

<http://www.justice.gov/dea/druginfo/ftp3.shtml>

b. Washington State Criminal Penalties

<http://apps.leg.wa.gov/RCW/default.aspx?cite=69.50>

VI ALCOHOL AND DRUG RELATED SERVICES

Several drug or alcohol treatment services are locally available to students and employees.

Campus Resources

- Students Only: Whatcom Community College Counseling Office (360)383-3080
- Employees: Employee Assistance Program

The Employee Assistance Program is the State's Program offered to employees, their family members and/or their supervisors. This service provides help with personal as well as work-related problems that may impact work performance. It is free, voluntary, confidential and accessible.

<http://www.dop.wa.gov/eap/Pages/default.aspx>

Community Resources

- Drug and Alcohol Treatment Centers

http://www.whatcomcounty.us/health/human/substance_abuse/treatment.jsp

Drug and Alcohol Support Groups and Information

- Alcohol/Drug Helpline (24 hrs) 1-800-662-4357
- Alcohol Anonymous (360) 734-1688
- Narcotics Anonymous (360) 647-3234

VII. COMMITMENT TO SUBSTANCE ABUSE EDUCATION

The College is also concerned that students and employees can be fully informed about the consequences of drug and alcohol consumption and abuse. The College will provide drug and alcohol awareness activities, education and referral services for students and employees.

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