

Substance Abuse Policy

I. PURPOSE

To insure the effective and fair implementation of the Drug Free Schools and Communities Act of 1989 and the consistency of all disciplinary sanctions imposed on any Mid-South Community College (the "College") student/s, the Mid-South Community College Substance Abuse Policy (the "Policy") is so established. The Policy further supports the College's commitment to maintaining a safe and healthy campus free from the influence of drugs and alcohol. The health, safety, and security of the students and employees are of primary concern to the administration, and the requirements of this Policy constitute safety rules that are considered to be of major significance.

The College recognizes that the abuse of alcohol and other substances, the use of illegal drugs, and the effects of such represent a threat to the well-being and safety of the students and could cause extensive damage to the students as well as the College's performance, reputation, and community standing. Therefore, the College expects each student to abide by the terms of this Policy.

II. DEFINITIONS

- A. Alcohol. Any liquid substance that has a measurable alcoholic content.
- B. Drug. Any substance, other than alcohol, that can produce physical, mental, emotional or behavioral changes in the user. The term "illegal drugs" as used in this Policy means any drugs or substances whose possession and/or use are prohibited under state or federal law. It also includes all prescriptions and over-the-counter drugs not legally obtained or not being used for the purpose or in the manner for which they were prescribed and/or manufactured.
- C. Student. Any individual enrolled in credit or non-credit courses offered by the College, including adult education classes, literacy classes, and any tutoring.
- D. Medical Review Officer or MRO. A licensed physician employed with or contracted with the College or its agent, who has knowledge about and has clinical experience in controlled substance abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results. The MRO has the necessary medical training to interpret a student's positive test result in relation to the student's medical history or any other relevant biomedical information.

- E. Possession. The presence of alcohol or drugs in the possession or control of a student, including in lockers, bags, parcels, lunch boxes, other personal articles, or personal automobiles, while on College property or while engaged in College responsibilities.

III. POLICY STATEMENT

Use, presence in the body in any quantity at or above levels specified in this Policy, possession, manufacture, distribution, dispensation, storage, transportation, or sale of illegal drugs, drug paraphernalia, controlled substances, or alcohol in open containers anywhere on premises including parking lots and entry roads or in College-supplied vehicles is expressly prohibited. Anyone violating this provision will be subject to disciplinary action up to and including expulsion from the College. No one shall report or return to campus with a presence of any drug or alcohol in his or her body at or above levels specified in this Policy. Any student doing so will be subject to testing and, upon testing positive, to the procedures and disciplinary actions set forth in this Policy. Depending upon the circumstances, a violation may also result in referral to law enforcement agencies.

The student is responsible for informing the Disability Services Counselor if the student believes that his or her abilities to perform are impaired because of the use of prescription and/or non-prescription drugs. Students should notify the Disability Services Counselor of any prescription drugs that may cause a positive drug result and provide substantiating documentation from a licensed physician. Any student may consult with a Medical Review Officer (MRO) to obtain technical information regarding prescription and non-prescription drugs. Excessive use or abuse of these drugs can cause a positive drug test and will result in disciplinary action up to and including expulsion from the College.

IV. TESTS PERFORMED

- A. Pre-Enrollment Screening. Some College programs and/or individual courses require pre-enrollment and/or random drug screening to comply with licensing or work-site requirements. Costs are covered by the student as either a pre-enrollment requirement or as a fee associated with the course. All applicants to whom an off campus training offer is extended are subject to **rapid diagnostics** drug testing as part of the pre-enrollment process. Refusal to submit to pre-enrollment drug testing will be cause for withdrawal of the offer. Non-negative results on drug-screening tests will be sent to a certified lab for confirmation and may cause off-campus training to be delayed or revoked.

- B. Suspicion. College staff and faculty are instructed to detect signs, symptoms and behaviors associated with drug and alcohol use on campus. With belief that a student is using or has used drugs/alcohol in violation of the College's policy drawn from specific objective, articulable facts and reasonable inferences drawn from those facts, the student may be required to submit to drug and/or alcohol screening, at the College's expense, if suspected of drug or alcohol use or abuse on College time or property. These facts may be based upon, among other things: 1. Observable phenomena, such as direct and/or video observation of drug/alcohol use and/or the physical symptoms or manifestations of being under the influence of drugs/alcohol. 2. Abnormal conduct or erratic behavior while on campus, absenteeism, tardiness, or deterioration in work performance. 3. A report of drug/alcohol use provided by reliable and credible source. The College shall, within 24 hours after any testing based on reasonable suspicion, detail in writing the circumstances that formed the basis of the determination that reasonable suspicion existed to warrant the testing. Copies of the report will be made available to the student and will be placed in the student's official file. Any student testing non-negative will be assisted in obtaining transportation to his or her home.
- C. Post-Accident Testing. Any student engaged in College business or activities who is involved in a vehicular or other incident that results in death or injury to an individual that requires immediate medical attention or damage to College property will be subject to drug and/or alcohol testing immediately, but no later than eight (8) hours after the incident. Testing is required regardless of who the responsible party might be. If a student involved in an accident, regardless of who is at fault, refuses to submit to a drug and/or alcohol test, the student will face disciplinary actions up to and including expulsion.
- D. Random Testing. Students enrolled in programs or courses requiring drug testing may be subject to random drug and/or alcohol tests at any time using computer software designed specifically for random selection criteria. Students will not be notified of their selection until the time of the scheduled test. Once notified, the student must report to the testing site as soon as safely possible.
- E. Return-to-Duty and Follow-up Testing. Students who were found in violation of this Policy shall be tested for alcohol and/or drugs at the student's expense before being allowed to return to campus. Once returning to campus, follow-up testing for alcohol and/or drugs may be required at the discretion of the College.

V. PROCEDURES

- A. A Medical Review Officer (MRO) will be provided by the College to verify positive drug test results with the student. The MRO will keep all test results and communications confidential, conveying his findings only to the student and the College's designated student representative. Breath alcohol test will not be reviewed by a MRO.
- B. Students will be required to sign a Custody and Control Consent/Release form authorizing the College and/or its agents to perform drug/alcohol tests and release results to the College. A student, whose sample is being confirmed, will be required to sign an additional Custody and Control Consent/Release form authorizing the testing laboratory to perform additional testing and release results to the College's MRO. A qualified laboratory approved by the U.S. Department of Health and Human Services and the Substance Abuse and Mental Health Administration must conduct any lab based testing. Refusal to execute a consent form will have the same effect as a positive test result under this Policy.
- C. The collection of all samples will be conducted under the most reasonable and sanitary conditions possible. Visual and audio privacy will be observed to the extent practicable. Samples will be collected in a reasonable manner to maintain the integrity of the specimen and to prevent any intentional means of substitution and/or dilution. All drug testing processed for confirmation will follow regulated standards at the testing laboratory and is subject to review by the College's MRO prior to any final actions being taken by the College.
- D. The established cut-off and confirmation levels of drugs and alcohol are shown in the following table. Evidence of the listed cut-off levels will result in a positive test. The College reserves the right to change the listed levels if the drug testing industry deems such changes acceptable or changes in federal, state or local regulations so direct.

<u>Substance</u>	<u>Initial Test</u>	<u>Confirmatory Test Using Gas Chromatography/Mass Spectrometry (GC/MS)</u>
Amphetamines (Speed, Uppers, Bennies, etc.)	1,000 ng/ml	500 ng/ml
Benzoyllecgonine (Cocaine, Lady, Rock, etc.)	300 ng/ml	150 ng/ml
Cannabinoids (Marijuana, Pot, Weed, Reefer, etc.)	50 ng/ml	15 ng/ml
Opiate metabolites (Codeine, Morphine, Heroin, etc.)	2,000 ng/ml	2,000 ng/ml
Barbiturates (Amytal, Seconal, downers)	300 ng/ml	300 ng/ml
Benzodiazepines (Activan, Librium, tranquilizers)	300 ng/ml	300 ng/ml
Phencyclidine (PCP, Angel Dust)	25 ng/ml	25 ng/ml
Methadone	300 ng/ml	300 ng/ml

Methaqualone (Qualudes)	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

	<u>Substance</u>	<u>Initial Test</u>	<u>Confirmatory Test Using EBT* Technology</u>
By breath analysis:			
Alcohol		≥.02% BAC**	≥ .02% BAC**

* Evidential Breath Tester (EBT)
 ** Breath Alcohol Content (BAC)

- E. Invalid/Dilute/Adulterated/Substituted/Temp Out Of Range Specimens.
 Evidence of intentional specimen tampering (Dilute, Adulterated, Substituted or Temp Out Of Range) will require an immediate second collection. The second collection may be observed. The second urine test will cancel the first, and the second test results will stand as the test results for record. All re-tests will begin immediately after the conclusion of the initial collection. Any student's specimen that results in a non-negative screen will be forwarded to a certified lab for confirmation.

Anyone not able to urinate for the re-test (Shy Bladder) will remain at the collection site and allowed to drink 40 ounces of fluid. If after 3 hours the individual cannot produce enough specimen for the second test, he/she will be required to consult with a College-approved physician immediately to determine if any medical condition is evident that would prevent the completion of the second collection. If the medical physician determines that there are no medical causes for the above situation, the action will be considered as refusing to submit to a test, and the student will be subject to disciplinary action up to and including suspension.

Any student required to submit to a breath alcohol test under this Policy that unsuccessfully completes the test must consult with a College approved physician immediately to determine if any medical condition is evident that would prevent the completion of the breath alcohol test process. If the physician provides no legitimate medical reason, the student will be deemed as refusing to submit to a test resulting in disciplinary action up to and including suspension.

VI. CONSEQUENCES OF POSITIVE RESULTS

- A. For any student, a positive confirmatory test result for alcohol that equals or exceeds the detectable level of 0.02% BAC and is less than 0.04% BAC will constitute a major violation of significant safety rules and will result in immediate suspension. Before being allowed to return to Campus or

any College sanctioned training following suspension, the student must be retested for alcohol and achieve a negative test result. A second positive test result for alcohol that equals or exceeds the detectable level of 0.02% BAC within a period of one (1) year following the date of the initial positive test result for alcohol will result in expulsion.

- B. For any student, a positive confirmatory test result for alcohol that equals or exceeds the detectable level of 0.04% BAC will result in disciplinary action up to and including expulsion.
- C. Any student having a non-negative result on a drug screen may be suspended, and any positive confirmatory test result for any substance, other than alcohol, for which testing occurs under this Policy will result in expulsion. Students may choose to challenge the results of confirmed drug tests; however, they will pay for any additional testing. Suspended students may be reinstated if non-negative screens are not successfully confirmed by GC/MS methodology, or if positive GC/MS results are reversed after MRO review.
- D. Any student with a confirmed breath alcohol content of 0.02% or higher will not be allowed to drive. If the student cannot arrange transportation, the College will do so at the student's expense.
- E. Any student who tests positive for drugs and/or alcohol in accordance with this Policy shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state or local handicap and disability discrimination laws. Students who are disciplined, suspended, or expelled as a result of a positive drug and/or alcohol test are considered to have been discharged or suspended for reason of a major violation of a significant safety rule.

VII. CONFIDENTIALITY

Any information obtained by the College as a result of this Policy will be kept confidential and released only with written permission from the student or under direct Court order.

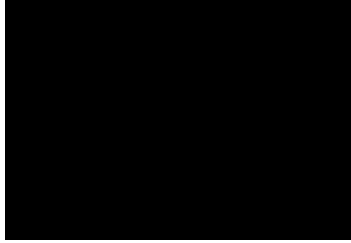
VIII. RESERVATIONS OF RIGHTS

The College reserves the rights to interpret, change, modify, or terminate this Policy at any time, in whole or in part, without prior notice to students. Such amendments or modifications shall not nullify the student's testing history.

VIII. STUDENT ASSISTANCE PROGRAMS

A student's decision to independently seek assistance from an alcohol/drug rehabilitation program, if the student is not under suspicion or testing because of this policy, shall not be used as the basis for any disciplinary action. Where a violation of this policy has occurred, a student's request to submit to an alcohol/drug rehabilitation program shall not serve to waive the application of disciplinary action under this or any other disciplinary policy or College rule.

Students seeking help and assistance for an alcohol/drug related problem can refer to a list of local agencies provided by the Learning Success Center. It is imperative that students with drug and /or alcohol problems seek assistance.



Drug and Alcohol Policy – Acknowledgment & Consent

Mid-South Community College actively provides a student environment that is drug free. The College is vitally concerned about your well-being and established the current Substance Abuse Policy for your benefit, safety and health.

As part of the College's continuing policy to ensure your fair and equal treatment, it is understandable that there may be questions or concerns involving the Policy. To assist you in understanding these requirements, the College encourages you to contact the Vice President for Student Affairs with any questions concerning this Policy by calling 870-733-6770.

My signature below certifies that:

- **It is understood that I will be required to pass a pre-enrollment and/or random drug test;**
- **I have been given a reasonable opportunity to read and understand the Policy;**
- **A copy of the Policy has been provided, the location of the Policy has been revealed, or I have been informed on how to obtain a copy;**
- **I agree to follow all the provisions of the Policy;**
- **In addition to any initial drug testing, there may be other circumstances that will require subsequent drug and/or alcohol testing as allowed under the terms of the Policy;**
- **I authorize the College and/or its designated service agent to perform drug and/or alcohol tests as described in the Policy and to release results of initial testing and follow-up testing or analysis, if required, to the College.**
- **I hereby release and discharge the College, any and all service agents contracted by the College, and all officers, directors, and employees from any liability relating to the reporting of the test results to the College or any related action, including but not limited to expulsion and;**
- **I understand that nothing in this consent form is a contract between the College and me and it is by choice that I seek enrollment at the College.**

Print Name: _____

SSN: _____

Signature: _____

Date: _____