



## Pima County Community College District Administrative Procedure

<i>AP Title:</i>	<b>Drug- and Alcohol-Free Environment</b>
<i>AP Number:</i>	AP 11.01.01
<i>Adoption Date:</i>	5/16/08
<i>Schedule for Review &amp; Update:</i>	Every three years
<i>Review Date(s):</i>	11/23/11, 10/8/14, 7/15/15, 6/23/16, 10/28/16, 11/10/16, 1/10/17, 5/20/22
<i>Revision Date(s):</i>	11/23/11, 6/23/16, 10/28/16, 1/10/17, 5/20/22
<i>Sponsoring Unit/Department:</i>	President of Campuses and Executive Vice Chancellor for Student Experience and Workforce Development
<i>Policy Title(s) &amp; No(s).:</i>	Drug-Free College, BP 11.01
<i>Legal Reference:</i>	Omnibus Drug Initiative Act of 1988, Public Law No. 100-690 (“Drug-Free Workplace Act of 1988”); Drug-Free Schools and Communities Act of 1989, 49 CFR Part 382; Arizona Medical Marijuana Act, A.R.S. § 36-2801, <i>et seq.</i> ; A.R.S. § 23-493, <i>et seq.</i> ; Smart and Safe Arizona Act, A.R.S. 36-2817, <i>et seq.</i> , 42-5501, <i>et seq.</i> , 43-108, <i>et seq.</i>
<i>Cross Reference:</i>	Drug-Free College, BP 11.01; Personnel Governance and Policy for College Employees, BP 1.25; Permissible Service, Consumption, and Educational Use of Alcohol on College Property, AP 2.05.02; Prohibition on Smoking and Tobacco Use, AP 11.04.01; Student Code of Conduct

## **PURPOSE**

Pima Community College (the “College”) is committed to providing and maintaining a safe, healthy, and productive environment for Students, Employees, Volunteers, and Visitors, free from hazards and disruptions associated with Drug and Alcohol abuse in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989. In furtherance of that commitment, the College issues this Administrative Procedure (“AP”). This AP is also intended to ensure compliance with the Arizona Drug Testing of Employees Act, A.R.S. § 23-493, *et seq.* This AP also provides the College’s process by which it complies with the Arizona Medical Marijuana Act, A.R.S. § 36-2801, *et seq.*, as well as the Smart and Safe Arizona Act, A.R.S. § 36-2817, *et seq.*, A.R.S. § 42-5501, *et seq.*, and A.R.S. § 43-108, *et seq.*

## **SCOPE**

This AP applies on all College Property and at all College Sponsored Activities, regardless of location.

Exceptions to this AP’s prohibitions on the possession, distribution, and consumption of Alcohol may be granted by the Chancellor or the Chancellor’s designee for College-sponsored and other College-approved events, on or off College Property, where Alcohol may be served. See AP 2.05.02, “Permissible Service, Consumption, and Educational Use of Alcohol on College Property”.

## **AUTHORITY**

Pursuant to BP 11.01, “Drug-Free College,” the Chancellor designates the President of Campuses and Executive Vice Chancellor for Student Experience and Workforce Development as the Sponsoring Unit responsible for implementing this AP.

## **SECTION 1: Definitions**

“Alcohol” means a beverage intended for human consumption that contains ethanol in a concentration over one half of one percent (0.5%) by volume (commonly denoted as “alcohol by volume” or “ABV”). This definition does not include prescribed or over-the-counter medications or extracts intended for use as flavorings in food preparation.

“AP” means Administrative Procedure.

“AZPOST” means the Arizona Peace Officer Standards and Training Board.

“CDL” means “Commercial Driver’s License.”

“College Community” means, collectively, all persons employed by, volunteering for, enrolled in classes at, or visiting the College or attending any College Sponsored Activity.

“College Property” means any campus, building or grounds owned, leased, operated, or controlled by the College.

“College Sponsored Activity” means any event, activity, or other endeavor officially sanctioned by the College or any on- or off-campus activity initiated, aided, authorized, or supervised by the College’s administration or an official College organizations. Except when Students are being escorted, supervised or hosted by College Employees, this definition does not include off-campus, after-hours business meals, entertainment, fundraisers, conferences and association meetings, or other social settings where Alcohol is not expressly prohibited.

“Conviction” means any finding or adjudication of criminal guilt, including one based on a plea of no-contest.

“Drug” means any controlled substance (including Marijuana) under Schedule I through V of the Controlled Substances Act (21 U.S.C. § 812), as well any prescription medication, over-the-counter medication, or other over-the-counter substances when the use of such medication or substance results in Impairment of the user.

“Drug Paraphernalia” means items used for the purpose of preparing, injecting, ingesting, inhaling, or otherwise using Drugs.

“Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does not include unpaid Volunteers.

“FMCSA” means Federal Motor Carrier Safety Administration

“Illicit” means prohibited by state or federal law or College policy.

“Impair” or “Impairment” means an adverse physical or mental effect on an individual caused by the use of Alcohol or Drugs, including a diminished capacity for speech, cognition, judgment, movement, balance, dexterity, agility, and/or coordination.

“Marijuana” is defined, for purposes of this AP, according to the legal definitions stated in A.R.S. § 36-2850(14), (15), and (18), as well as in A.R.S. § 13-3401(19), and means all parts of the plant of the genus cannabis, including its seeds, the resin extracted from any part of the plant, and every compound, derivative, mixture, or preparation of the plant or its seeds or resin, including, but not limited to, Marijuana concentrates and edible Marijuana products in any form, but excluding industrial hemp products.

“Medical Marijuana” means Marijuana that is prescribed and administered lawfully under Arizona state law to treat or alleviate a Medical Marijuana Cardholder’s medical condition or the symptoms associated with that medical condition pursuant to A.R.S. § 36-2801, *et seq.*

“Medical Marijuana Cardholder” means a person who possesses a valid registry identification card issued by the Arizona Department of Health Services pursuant to A.R.S. § 36-2801, *et seq.*

“Reasonable Suspicion” exists when an Employee exhibits behavior that an average person of ordinary intelligence, exercising ordinary care, skill, and judgment, would believe suggests Impairment from Drug or Alcohol use, including but not limited to, any of the following:

- Observed use of Alcohol or Illicit Drugs during work hours or on College Property;
- Excessive tardiness or excessive early departure from work;
- Excessive or unauthorized absences that are not otherwise explainable;
- Accidents on the job in which injuries or property damage occur;
- Significant changes in personal behavior, appearance, or physical care that are not otherwise explainable, including, without limitation, any of the following:
  - An odor of Alcohol, Marijuana, or other Drugs;
  - Unusually glassy eyes;
  - Unusually dilated or constricted pupils;
  - Difficulty maintaining balance;
  - Uncharacteristically slow, rapid, slurred, or incoherent speech;
  - Uncharacteristic aggressiveness or other displays of emotion not appropriate to the circumstances or situation;

- Deteriorating work performance that is not attributable to other factors;
- Statements by the Employee implying the use of Alcohol or Illicit use of Drugs during a time period that could result in Impairment of the Employee's job performance;
- Arrests involving Drug or Alcohol use during, immediately before, or immediately after an Employee's scheduled work hours.

“Recreational Marijuana” means Marijuana that is possessed and used legally under Arizona state law in accordance with the Smart and Safe Arizona Act, regardless of whether or not it has been prescribed lawfully as Medical Marijuana or if the person possessing or using it is a Medical Marijuana Cardholder.

“Safety Sensitive Position” means any job that requires the performance tasks or duties that could affect the safety or health of the Employee performing the task or of other individuals, including, but not limited to, any of the following:

- Providing law enforcement, public safety, security, or medical services;
- Operating a motor vehicle, machinery, or power tools;
- Repairing, maintaining, or monitoring the performance of any equipment, machinery, or manufacturing process, the malfunction or disruption of which could result in injury or property damage;
- Preparing or handling food, medicine, or medical equipment;
- Handling, inspecting, transporting, or disposing of hazardous materials or volatile chemicals;
- Participating in a program which an accreditor or other external authority has identified as requiring Drug or Alcohol testing;
- Working in any occupation regulated pursuant to Arizona Revised Statutes Title 32, “Professions and Occupations”.

“Student” means any person currently enrolled in courses at the College on either a full-time, part-time, or clock-hour basis, as well as any person currently registered for or participating in continuing education, workforce development, adult basic education, or developmental education classes through the College.

“Under the Influence” means a person's mental or physical functioning is Impaired as a result of the immediate effects of the presence of Alcohol or Drugs in the person's system.

“Visitor” means any person physically present on College Property or in attendance at a College Sponsored Activity who is not a current Student, Employee, or authorized Volunteer.

“Volunteer” means any unpaid individual who is not an Employee or Student of the College, and is authorized by the College to perform and voluntarily performs services for the College without promise, expectation, or receipt of compensation, future employment, or other tangible benefit, including academic credit. A Volunteer is not an Employee of the College for any purpose.

## **SECTION 2: Possible Legal Sanctions**

Local, state, and federal laws prohibit the unlawful manufacture, distribution, sale, dispensing, possession, storage, or use of Alcohol and Illicit Drugs. If convicted of violating one or more of these laws, an individual could be sentenced to imprisonment, fines, probation, and/or mandatory community service. The College will cooperate fully with the local, state, and federal authorities in the enforcement of all applicable laws.

## **SECTION 3: Health Risks**

There are known health risks associated with the use and abuse of Alcohol and Drugs. The excessive use, misuse, or abuse of Alcohol or any Drug, legal or illegal, may cause intoxication and Impairment, as well as physical, psychological, and social harm. Over time, excessive Alcohol and/or any Drug use can produce illness, disability, and death.

## **SECTION 4: College Statement on Medical and Recreational Marijuana**

The Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) authorizes the possession and use of Marijuana for medical purposes (“Medical-Marijuana”) by certain registered individuals (“Medical Marijuana Cardholders”). However, A.R.S. § 15-108 expressly prohibits the use or possession of Marijuana on the campus of any public university, college, or community college, even by registered Medical Marijuana Cardholders. Likewise, the Smart and Safe Arizona Act, which permits certain possession and use of Recreational Marijuana, does not restrict the College’s authority to maintain an Alcohol- and Drug-free College environment, nor does it permit the use of Marijuana in public places, whether indoors or outdoors. (See A.R.S. § 36-2851).

Furthermore, Arizona state laws permitting the possession and usage of Medical Marijuana and Recreational Marijuana conflict with federal laws governing controlled substances, in that the distribution, use, and possession of Marijuana remain illegal under the federal Controlled Substances Act, Drug-Free Schools and Communities Act (“DFSCA”), and Drug-Free Workplace Act (“DFWA”).

Pursuant to the DFSCA and DFWA, any institution that receives federal funding must institute and enforce a drug-prevention program and prohibit the manufacture, use, and distribution of federally controlled substances, including Marijuana, or risk being disqualified from receiving future federal funding. The College receives federal funding in the form of financial aid and grants that would be in jeopardy if those federal laws did not take precedence in the College's policies.

Because of its obligations under federal law, and to ensure Students' and the College's continued access to federal student loans and grants, the College will continue to prohibit all Marijuana use, possession, and distribution on College Property or during any College Sponsored Activity. Employees and Students who violate this AP or other College policies regarding the use and possession of Alcohol and Drugs may be subjected to disciplinary sanctions and possible criminal action even if they are registered Medical Marijuana Cardholders or otherwise lawfully permitted to use and possess Recreational Marijuana under Arizona state law.

## **SECTION 5: Employees**

### **5.1 Delegation of Authority to the Chief Human Resources Officer**

The Chancellor delegates to the College's Chief Human Resources Officer the authority and responsibility for administering this AP as it applies to College Employees, including the discretionary authority to designate one or more HR Employees as being responsible for carrying out various aspects of this AP.

### **5.2 Standards of Conduct for Employees**

- 5.2.1 All Employees are required to report to work, and remain during all working hours, free from Impairment by Alcohol or Drugs and in a condition fit to perform the duties of their respective positions.
- 5.2.2 As a condition of their continued employment with the College, all College Employees are subject to this AP and to all applicable College Drug and Alcohol policies and procedures, including BP 11.01 and the College's Employee Handbook. Violations could result in disciplinary sanctions up to and including termination of employment.

### **5.3 Employee Support Resources**

- 5.3.1 Employees dealing with Drug and/or Alcohol problems are encouraged to seek help, either through their own resources or through the College's Employee Assistance Program ("EAP"). All PCC Employees can obtain completely confidential, 24-hour EAP services through Jorgensen Brooks by calling (520)-575-8623 or toll free at (800) 520-5400, or through [www.jorgensenbrooks.com](http://www.jorgensenbrooks.com). Additional information about these resources may also be found on the College's intranet page for the Employee Service Center (ESC).
- 5.3.2 Although violations of College policies or unacceptable work performance will not be excused because an Employee has sought assistance, conscientious efforts to obtain such help will not jeopardize an Employee's job and will not be noted in the Employee's personnel file.
- 5.3.3 In cases of possible Drug overdose or Alcohol poisoning, health and safety are the College's primary concerns, and Employees are strongly encouraged to call for medical assistance for themselves or others who may be dangerously Impaired.

### **5.4 Prohibited Conduct for Employees**

- 5.4.1 No College Employee shall engage in any of the following conduct:
  - a. Violate any of the provisions of this AP;
  - b. Refuse to submit to a Drug/Alcohol test when directed to do so pursuant to College policy;
  - c. Fail to report at the specified date and time to the designated testing facility when directed by the College's HR office to submit to a Drug/Alcohol test;
  - d. Attempt to interfere with or alter the outcome of a College directed Drug/Alcohol test, or submit a false sample for testing;
  - e. Report for work or remain at work when Impaired by Alcohol, and/or Drugs, or a combination of both;

- f. Use, distribute, manufacture, dispense, sell, store, or possess Alcohol (unless specifically permitted by the Chancellor (see “Scope” above) or Illicit Drugs, including Marijuana, on College Property, during the Employee’s scheduled work hours, while on official College business, during any formal or informal College Sponsored Activity, or in a College supplied vehicle;
- g. Possess or be Impaired by Marijuana i) while on College Property, ii) during the Employee’s scheduled work hours, iii) while on official College business, iv) during any on- or off-campus College Sponsored Activity, or v) in a College-supplied vehicle, even if the Employee is a Medical Marijuana Cardholder or otherwise possessing or using Recreational Marijuana in accordance with Arizona state law;
- h. Test positive for any Drug at any time without a legal basis for use of that Drug. Employees who test positive only for the presence of Marijuana will not be found in violation of the College's Drug and Alcohol policy if i) they do not demonstrate signs of Impairment on College Property, during any College Sponsored Activity, or during their scheduled College work hours, regardless of location, and ii) they do not use, possess, or distribute Marijuana on College Property, during any College Sponsored Activity, or during their scheduled College work hours.

5.4.2 Drug and Alcohol policies for Employees working in certain College departments, may be more restrictive than those stated in this AP. For further information, please contact HR or the specific College departments.

## **5.5 Special Restrictions and Additional Requirements for Employees in Safety Sensitive Positions**

5.5.1 No Employee in a Safety Sensitive Position may use any Drug, including legal Drugs, prescribed by a physician or otherwise, if the use of that Drug could impair or otherwise negatively affect an Employee’s job performance in that position or endanger the Employee or other members of the College Community. Employees in Safety Sensitive Positions who take prescription Drugs that could potentially cause Impairment must work with their physicians to ensure Impairment does not occur at times when the Employee’s job performance could be negatively affected. (See also Duty to Disclose Use of Medications, below).

5.5.2 In addition to this general prohibition, Employees in the following positions must comply with additional, specific requirements as noted:

- a. Personnel with a CDL are required to follow the FMCSA, 49 CFR Part 382.
- b. Commissioned Law Enforcement personnel certified through AZPOST must comply with any rules and requirements promulgated by AZPOST with respect to the use or possession of Marijuana or the association with a Medical Marijuana dispensary pursuant to the Arizona Medical Marijuana Act.

## **5.6 Employee Drug and Alcohol Testing Process and Procedures**

- 5.6.1. The College's Employee Drug and Alcohol testing process will be administered by the College's HR office.
- 5.6.2. All College directed Drug and/or Alcohol testing of Employees will be considered paid work time.
- 5.6.3. All Employees may be subject to Alcohol and Drug testing pursuant to the conditions and procedures stated in this AP.
- 5.6.4. All Employees shall receive a copy of this AP at the time of their initial employment with the College and after any updates and changes to this AP. As an alternative to providing a printed copy of the, the College may give written notice of the URL address or location on the College's website where this AP can be reviewed.
- 5.6.5. The College's HR office shall schedule all Alcohol and Drug testing, arrange for the transportation of Employees to and from such testing, when necessary, and maintain all testing documentation.
- 5.6.6. Specific programs, College divisions, departments, and units with Safety Sensitive Positions may have additional Drug and Alcohol testing procedures that expand on these general College-wide procedures, based on the regulations required for those specific programs, divisions, departments, and units.

## **5.7 Confidentiality of Employee Drug and Alcohol Testing**

5.7.1 All Employee Drug and/or Alcohol testing, monitoring, and related activities are confidential.

### **5.7.2 Confidentiality of Employee Drug and Alcohol Testing**

- a. All information related to an Employee's Drug and/or Alcohol testing, and related activities will be treated by the College as confidential employment records.
- b. Employee Drug and/or Alcohol testing information will be disclosed only when required by law, when disclosure specifically authorized by the Employee, or to other College Employees and authorized third parties contracted by the College on a need-to-know basis.
- c. Documentation and other records related to Employee Drug and Alcohol testing must be maintained in a secure and confidential location by the College's HR office.

## **5.8 Employee Disciplinary Action for Drug and Alcohol Violations**

5.8.1 An Employee who violates this AP may be subject to discipline in accordance with College policy up to and including termination of employment. (See Employee Handbook).

5.8.2 Minor procedural errors in the implementation of this AP shall not be grounds for invalidating the results of a Drug or Alcohol test or overturning discipline imposed pursuant to this AP.

## **5.9 Employee's Duty to Disclose Use of Prescription Medication**

5.9.1 The College understands Employees under a physician's care may be required to use prescription Drugs. However, an Employee's abuse or misuse of otherwise legal prescription Drugs will be addressed per this AP in the same manner as an Employee's abuse or misuse of Illicit Drugs or Alcohol.

5.9.2 An Employee must inform the College's HR office of the Employee's prescription or non-prescription Drug use if such use will, or is reasonably likely to, impair the Employee's ability to perform the essential functions

of the Employee's job. The information supplied will be kept confidential except, where appropriate, the College's HR office may share the information with the Employee's supervisor and other appropriate administrators, including the Chancellor.

- 5.9.3 An Employee may be required to provide medical documentation necessary to confirm that the Employee's use of a prescription or non-prescription Drug will not impair the Employee's performance of the essential functions of the Employee's job, with or without a reasonable accommodation.

## **5.10 Duty to Provide Notice of Criminal Drug and/or Alcohol Convictions**

Employees must inform the College's HR office of any criminal Drug and/or Alcohol Conviction for a violation occurring in the workplace or during the Employee's regular working hours within five (5) calendar days of the Conviction. Federal law requires, if an Employee occupies a position funded in whole or in part by a federal grant, the College will notify the granting agency of such a Conviction, regardless of how the College obtained information about the Conviction.

## **5.11 Reasonable Suspicion Testing for Employees**

- 5.11.1 Any College Employee who is reasonably suspected of using Alcohol or Illicit Drugs in the workplace, of abusing a controlled substance in the workplace, or of being Impaired by Alcohol or a controlled substance (including Medical Marijuana or Recreational Marijuana) while performing the Employee's job duties regardless of where or when the Alcohol or controlled substance was used or consumed, will be required to undergo Drug and/or Alcohol testing.
- 5.11.2. Procedures to Be Followed by Supervisors During Reasonable Suspicion Testing

Upon Reasonable Suspicion that an Employee may be Impaired by Alcohol or Drugs, a supervisor is to take the following actions. Failure to strictly comply with these procedures shall not invalidate any test results, affect enforcement of this AP, or otherwise preclude disciplining the Employee in question for violating any of the College's Drug and Alcohol policies.

- a. Immediately notify the supervisor's superior, and, as soon as practicable, notify the College's HR office of the supervisor's suspicion. If the supervisor making the notification is not the suspected Employee's immediate supervisor, the Employee's immediate supervisor must be notified as soon as possible;
- b. Have another supervisor independently observe and evaluate the Employee for indications of Impairment due to Alcohol or Drug use, if possible;
- c. Escort the Employee to a location away from other Employees, Students, and members of the public where the supervisor can speak to the Employee privately and confidentially;
- d. In the presence of the supervisor's superior or another supervisor, if possible, inform the Employee that the supervisor suspects the Employee may be Impaired by Alcohol or Drugs and the basis or bases for that belief, and provide the Employee with an opportunity to explain the Employee's behavior and/or the other conditions giving rise to the supervisor's suspicion;
- e. Document all observations and other information giving rise to the supervisor's Reasonable Suspicion that the Employee may be Impaired by Alcohol or Drugs, and document any explanation or response provided by the Employee regarding the Employee's behavior and/or the other conditions giving rise to the supervisor's suspicion;
- f. If the supervisors, or supervisor and the superior, both do not find the Employee's explanation to be reasonable or credible, a supervisor should notify the College's HR office and recommend Drug and/or Alcohol testing. If it is not possible to have another supervisor or superior present to observe the suspected Employee and evaluate the reasonableness of the Employee's explanation, the recommendation for Drug and/or Alcohol testing may be made by one supervisor;
- g. If a supervisor discovers an Employee is in possession of what reasonably appears to be a controlled substance, Illicit Drug, Drug Paraphernalia, or Alcohol, the supervisor shall promptly notify the PCC Police Department. Supervisors or other non-PCC Police Department personnel should not attempt to confiscate or otherwise handle such items themselves.

**5.11.3. Procedures to Be Followed by the College’s HR Office During Reasonable Suspicion Testing**

- a. A supervisor who reasonably suspects an Employee to be Under the Influence of Drugs and/or Alcohol shall immediately contact HR to report the circumstances and related facts. If it is determined that testing is required, HR shall arrange for the Employee to be tested by the College’s contracted testing facility in accordance with the HR office’s practice and procedure. Employees who are reasonably suspected of being Under the Influence of Drugs and/or Alcohol are required to voluntarily submit to testing. Failure to voluntarily submit to testing based upon Reasonable Suspicion is in violation of this AP and may lead to corrective/disciplinary action.
- b. If the result of the testing does not indicate a violation of the College’s Drug and Alcohol policy, the Employee shall return to work, and any continued performance issues will be addressed in accordance with established College policies and procedures.
- c. If test results indicate a violation of the College’s Drug and Alcohol policies, the Employee shall be immediately suspended and the corrective/disciplinary process shall be initiated in accordance with College policy and procedure.
- d. The College will recommend an Employee seek professional counseling for Alcohol and/or Drug issues if/when it is determined to be warranted.

**5.12 Rights of Employees**

- 5.12.1 Any Employee who undergoes Drug or Alcohol testing pursuant to this AP may, upon request, receive a written copy of the test results.
- 5.12.2 Any Employee who is subject to Drug or Alcohol testing pursuant to this AP has the right, upon request, to explain to the College’s HR office in a confidential setting the results of a positive test result.

### **5.13 Training**

Each College Employee who regularly supervises other Employees shall receive training on maintaining a Drug-and Alcohol-free environment, including the proper implementation of this AP and the College's process for Reasonable Suspicion Testing. The College's HR office will ensure that initial and update training is provided and that participation is monitored.

## **SECTION 6: Students**

### **6.1 Standards of Conduct for Students**

- 6.1.1 As a condition of their enrollment with the College, Students are required to comply with all College policies regarding the possession and use of Drugs and/or Alcohol, including this AP and the Student Code of Conduct.
- 6.1.2 Due to heightened health and safety concerns, Students in certain academic programs or other College Sponsored Activities may be subject to additional or stricter Drug and Alcohol policies. Students should contact and consult with their instructors or program administrators for further information about such requirements.
- 6.1.3 Students found in violation of this AP or other College Drug and Alcohol policies could face disciplinary action and the possible imposition of sanctions up to and including expulsion from the College.

### **6.2 Support Resources for Students**

Students' health and safety is of the utmost concern to the College. Students who are dealing with Drug and/or Alcohol problems are encouraged to seek help either through their own resources or with the assistance of the College. College officials will assist Students with obtaining appropriate referrals and information concerning Drug and Alcohol education, counseling, treatment, and/or rehabilitation or reentry programs available in the area. Students may contact the Student Services Center on any campus or visit [www.pima.edu/student-resources/support-services/health-wellness-safety/index.html](http://www.pima.edu/student-resources/support-services/health-wellness-safety/index.html) for further information.

### **6.3 Prioritizing Student Health and Safety Over Disciplinary Action**

- 6.3.1 In cases of possible Drug overdose or Alcohol poisoning, health and safety are the College's primary concerns. Students are strongly encouraged to call for medical assistance for themselves or others who may be dangerously Impaired by Drugs or Alcohol. Although violations of College policies or unsatisfactory academic performance will not be excused because a Student has sought assistance for Drug and/or Alcohol problems, the College will treat a Student's help-seeking actions as a health and safety matter, rather than a Code of Conduct or disciplinary matter, when a Student self-reports a Drug and/or Alcohol issue to emergency responders or to College officials.
- 6.3.2 No Student who seeks medical treatment for a possible Drug overdose or Alcohol poisoning will be subject to disciplinary action by the College solely for using, possessing, or being Impaired by/Under the Influence of Alcohol or other Drugs. The College reserves the right to pursue additional Code of Conduct violations based upon the totality of the Student's conduct and circumstances of the incident or event. Students may still be held accountable for misconduct accompanying or incidental to the use and/or abuse of Alcohol or Drugs, such as disorderly behavior, violence, harassment, or property damage.

### **6.4 Prohibited Conduct**

No Student, regardless of age, may consume, possess, be Under the Influence of or Impaired by, sell, or distribute Alcohol or any Illicit Drug on any College Property or during any College Sponsored Activity. For further information, Students should consult the Student Code of Conduct.

### **6.5 Process and Procedures for Students**

- 6.5.1 Student violations of the College's Drug and Alcohol policies will be handled in accordance with the processes and procedures set forth in the Student Code of Conduct.
- 6.5.2 Students participating in certain academic programs or other College Sponsored Activities who are suspected of being Under the Influence of Drugs or Alcohol may be removed temporarily from the program or activity and required to submit to reasonable suspicion testing as a condition of their enrollment and continued participation in those

programs. Students found to have violated the College's Drug and/or Alcohol policies may be removed permanently from College programs and/or activities. Students should contact and consult with their instructors or program administrators for further information about such requirements.

## **6.6 Student Sanctions for Drug and/or Alcohol Violations**

Sanctions issued by the College will consist generally of a combination of educational, corrective, and/or disciplinary measures with the primary goal of educating Students about the College's expectations and requirements for their conduct as members of the College Community while also holding Students accountable for their actions and correcting unacceptable behaviors. Students determined to have violated the College's Drug and Alcohol policies may face sanctions up to and including expulsion from the College.

Additionally, local, state, and federal laws prohibit the unlawful possession, use, manufacture, or distribution of Illicit Drugs and Alcohol. Students convicted of violating these laws could face imprisonment, fines, probation, and/or mandatory community service.

## **6.7 Rights of Students**

Students' rights during College disciplinary proceedings for Drug or Alcohol violations, including their right to appeal decisions and sanctions, can be found in the Student Code of Conduct.

## **6.8 Criminal Drug and Alcohol Charges**

Violations of state and federal Drug and Alcohol laws are serious legal matters that could result in large fines and/or the loss of one's freedom. Students facing criminal Drug or Alcohol charges are strongly encouraged to consult with legal representation at their earliest opportunity. The College cannot represent or offer legal advice to Students facing criminal charges.

## **6.9 Impact of Drug Convictions on Students' Eligibility for Financial Aid**

Under federal law, Students convicted of state or federal Drug offenses that occurred when the Student was enrolled at a higher-education institution and receiving federal financial aid will be ineligible to receive future federally funded or subsidized grants, loans, scholarships, or work-study employment for one or more years or even indefinitely, depending on the nature and number of the

Convictions. (See 28 U.S.C. § 1091(r)(1)). Additionally, Students convicted of Drug offenses after receiving federal financial aid could be liable for returning any financial aid received during a period of ineligibility.

### **SECTION 7: Volunteers**

Volunteers are required to comply with all federal and state laws and College policies regarding the possession and use of Drugs and/or Alcohol, including this AP. Moreover, Volunteers are required to be unimpaired by Alcohol or Drugs while on College Property, during College Sponsored Activities, and at any time while performing services for or on behalf of the College.

Volunteers are not College Employees for any purpose, serve at the pleasure of the College, and are not entitled to any process by the College. The College may, at any time and for any reason, at the College's sole discretion, terminate a Volunteer's service for the College.

### **SECTION 8: Visitors**

The College is an institution of higher learning that strives to maintain an open and welcoming academic environment. To that end, the College invites and welcomes Visitors to its campuses and sponsored activities. However, the use, possession, or distribution of Alcohol or Illicit Drugs by anyone, as well as the presence of anyone who is Impaired by or Under the Influence of Alcohol or any Drug, on College Property or during College Sponsored Activities, is disruptive to the College environment, detrimental to its academic mission, and a health and safety hazard to the College Community.

Accordingly, all Visitors are required to comply with all federal and state laws and College policies regarding the use, possession, or distribution of Drugs and/or Alcohol, including this AP, while on any College Property or attending any College Sponsored Activity. Visitors who violate College policy or state or federal law while on College Property or attending College Sponsored Events may be subject to arrest and criminal prosecution, and may be banned ("Trespassed") from College Property and future College Sponsored Activities.