

Drug and Alcohol Policy

The abuse and use of drugs and alcohol are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the usage of drugs or alcohol may impair the well-being of employees, students and the public at large; drug and alcohol usage may also result in damage to college property. Therefore, it is the policy of this College that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol, is prohibited while in the workplace, on College premises, or as part of any College-sponsored activities. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution. The specifics of this policy are as follows: Mitchell Community College does not differentiate between drug users, drug pushers, or sellers. Any employee or student who possesses, uses, sells, gives, or in any way transfers a controlled substance while in the workplace, on College premises, or as part of any College-sponsored activity, will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.

The term "controlled substance" means any drug listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, these are drugs which have a higher potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP and crack. They also include "legal drugs" which are not prescribed by a licensed physician.

If any employee or student is convicted of violating any criminal drug statute while in the workplace, on College premises, or as part of any College sponsored activity, he or she will be subject to disciplinary action up to and including termination or expulsion. Alternatively, the College may require the employee or student to successfully finish a drug abuse program sponsored by an approved private or governmental institution as a precondition for continued employment or enrollment at the College.

Each employee or student is required to inform the College, in writing, within five work days after he or she is convicted for violation of any federal, state, or local criminal drug statute where such violation occurred while in the workplace, on College premises, or as part of any College-sponsored activity. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court. Convictions of employees working under federal grants, for violating drug laws in the workplace, on College premises, or as part of any College sponsored activity, shall be reported to the appropriate federal agency. The College must notify the U.S. government agency with which the grant was made, within 10 days after receiving notice from the employee or otherwise receiving actual notice of a violation of a criminal drug statute occurring in the workplace. The College shall take appropriate disciplinary action within 30 days from receipt of notice. As a condition of further employment on any federal government grant, the law requires all employees to abide by this policy.

Students employed under the Federal Work-Study Program are considered to be employees of the College, if the work is performed for the College in which the student is enrolled. For work performed for a federal, state, local public agency, a private nonprofit or a private for profit agency, students are considered to be employees of the College unless the agreement between the College and the organization specifies that the organization is considered to be the employer.

Any employee or student who unlawfully possesses, uses, sells or transfers alcoholic beverages to another person while in the workplace, on College premises, or as part of any College-sponsored activity, will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.

If an employee or student is convicted of violating any alcoholic beverage control statute while in the workplace, on College premises, or as part of any College-sponsored activity, he or she will be subject to disciplinary action up to and including termination or expulsion. Alternatively, the College may require the employee or student to successfully finish an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition for continued employment or enrollment at the College. The term "alcoholic beverage" includes beer, wine, whiskey, and any other beverage listed in Chapter 188 of the General Statutes of North Carolina.