

513. ALCOHOL AND SUBSTANCE ABUSE

1. Policy Statement

This Policy applies to all Warren County Community College (the "College") employees, including faculty, staff, post-doctoral associates, post-doctoral fellows, visiting faculty/scholars, graduate assistants, teaching assistance, other student employees, interns, volunteers, vendors, contractors, subcontractors, and visitors, while in an area under the jurisdiction of the College or engaged in College-related responsibilities.

The College is committed to sustaining an academic environment that both respects individual freedom and promotes health, safety, and well-being of all members of the College community. It is essential that all employees, students, and others within the scope of this Policy recognize that the misuse and abuse of alcohol and other drugs constitutes a threat to the educational mission of the College. The Colleges has an obligation to promote a healthy and safe campus environment that includes taking responsibility for one's own actions.

The College seeks to provide an environment that reduces or eliminates the adverse consequences of alcohol and other drug misuse and abuse on individuals, groups, and the College. All members of the College community are responsible for being fully aware of the requirements of the College policies related to alcohol and local, State, and federal laws regarding alcohol and other drugs as outlined herein.

This Policy is not designed to be punitive towards individuals seeking rehabilitation. All information about those individuals who voluntarily avail themselves to drug or alcohol counseling or rehabilitation services will remain confidential to the extent possible and permissible by the College policies and applicable law. Seeking counseling or rehabilitation will not be used as a basis for disciplinary action or be used against an individual in any way.

2. Reason For Policy

The College has an obligation to promote a healthy and safe campus environment that includes all individuals taking responsibility for their own actions. This Policy states the College's expectations regarding the use of alcohol and other drugs by employees and other members of the College community, including those using College resources and the responsibilities and obligations in using alcohol and other drugs. This Policy serves to expressly describe and state compliance requirements and obligations under State and federal laws.

3. Scope

This Policy shall apply to all employees, as defined herein, on the property under the jurisdiction of the College, as defined herein, and any other individual described in Paragraph 1.

4. Who Should Read This Policy

All College employees, as defined herein, and all individuals identified in Paragraph 1 of this Policy.

5. Resources

The following resources are available to employees and supervisors for alcohol and other drug related issues. Employees are encouraged to seek assistance through the Faculty Assistance

Program if they believe they may have an alcohol or other drug abuse problem. A non-exhaustive list of resources are below:

Drug Free Workplace Act of 1988

New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

NJ Addictions Services Hotline: 988

Alcohol: 1-800-322-5525

REACH NJ: 1-844-732-2465

Community Prevention Resources: 908-835-1800

Warren County Community College Human Resources: 908-835-2356

Warren County Community College Security:
908-835-2455 (Washington)
908-878-0202 (Phillipsburg)

6. Definitions:

- a. "Alcoholic Beverage": Any liquid beverage containing at least one (1) percent of alcohol by volume, including methyl and isopropyl alcohol that is not intended for human consumption.
- b. "Area under the jurisdiction"; Includes all on and off campus property owned, occupied, leased, or used by the College. This includes all campuses, research sites, and leased indoor and outdoor spaces or spaces occupied with a user permit, license, or contract for the conduct or performing of official College business.
- c. "Controlled Substance": A drug or chemical substance whose possession and use are controlled by Title 21, Section 812, Schedules I through V of the United States Controlled Substances Act. This includes, but is not limited to, narcotics, depressants, hallucinogens, stimulants, and other substances commonly or collectively known as illicit drugs. Medical cannabis and hashish are considered controlled substances.
- d. "Employee": An employee is any individual who performs services for and under the control and direction of the College for wages or other remuneration.
- e. "Events": Any program or activity sponsored by and under the sponsorship of the College.
- f. "Illicit Drug": A type of controlled substance that is imported, grown, or manufactured illegally. This includes, but is not limited to, heroin, cocaine, amphetamines, ecstasy, cannabis, methamphetamine, and LSD.
- g. "Legally Prescribed Medication": Includes drugs prescribed by a licensed practitioner and over-the-counter drugs that have been legally obtained and are being used in the appropriate amount solely by the individual and for the purpose for which the medication was prescribed or manufactured.
- h. "Manufacture": The production, preparation, propagation, compounding, conversion, or processing of a controlled substance or alcohol. This does not include manufacturing for the intended purpose of scholarly research.

- i. "Marijuana and Hashish": All forms of the substance that are not regulated cannabis or medical cannabis.
- j. "Medical Cannabis": Cannabis or related paraphernalia acquired, possessed, transported, or used by a registered qualifying patient under the New Jersey Compassionate Use Medical Marijuana Act and the Jake Honing Compassionate Use Medical Marijuana Act.
- k. "Minor": An individual not of legal drinking age, under 21 years of age.
- l. "Possession": Knowing or intentionally possessing a controlled substance and/or having direct physical control over a controlled substance but does not include possession for the purpose of scholarly research.
- m. "Regulated Cannabis": Cannabis or related paraphernalia legally acquired, possessed, or used under certain conditions as outlined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.
- n. "Safety-sensitive": Activities involving a risk of moderate to severe injury to the person or property of oneself or others, in the performance of job duties. This includes, but is not limited to, direct support of patient care and treatment, police and security duties, operating a motor or motorized vehicle or potentially hazardous equipment, use of ladders and/or working at heights, use of hazardous materials, maintenance of hazardous facilities such as boilers, utilization of explosives, utilization of lasers, work with high-voltage electricity, or access to controlled substances within the College.
- o. "Sponsoring": The hosting of an official activity on behalf of the College or a unit of the College. Events held by College affiliated foundations shall be a College sponsored event for the purpose of obtaining permission to serve, possess, or consume alcohol.
- p. "Under the influence/impairment": Defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one's speech, being argumentative, or being incapable of performing the duties of the job satisfactorily, and when such conduct is reasonably related to an employee's use of alcohol or controlled substances.
- q. "While at work": All times when an individual is on College property, on-call, supposed to be working, including paid breaks, operating College vehicles, or on official College business either on or off site. This does not include events sponsored by the College at which alcohol may be served.

7. Compliance with Federal and State Laws

The sale, provision, serving, possession, and consumption of alcoholic beverages on the College campuses are regulated by federal and State laws and local ordinances. All members of the College community are obligated to obey these laws, regulations, and ordinances. The College does not have the authority to alter the laws or obtain exemptions. Members of the College community are individually responsible for determining how applicable laws, regulations, and ordinance apply to them, and obeying such.

- a. The College, as an institute of higher education and an employer, is obligated to abide by and enforce provisions of the Drug Free Workplace Act of 1988, Drug Free School and Campus Act, and the statutes of the State of New Jersey.
- b. No member of the College community may possess, manufacture, distribute, or use drugs, narcotics, or controlled substances and/or paraphernalia containing evidence of such substances on College property except as expressly permitted by law.

- c. Medical Cannabis and Regulated Cannabis, while legally permitted in New Jersey, are prohibited on the College's campuses due to the provisions in the Drug Free School and Communities Act and the New Jersey Regulatory, Enforcement Assistance, and Marketplace Modernization Act.
- d. A person who is a minor may not acquire, possess, or consume alcoholic beverages on any College property or College sponsored event.
- e. A person who is of legal drinking age may not give any alcoholic beverages to a minor, assist, or allow a minor to acquire or consume any alcoholic beverage, except a parent or guardian of the minor, if the alcoholic beverage is consumed for religious observance, ceremony, or rite.
- f. No member of the College may sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Division of Alcoholic Beverage Control.
- g. No person, regardless of age, may possess an open container of an alcoholic beverage in any motor vehicle.

8. Alcohol and Other Drug on the Job

While in an area under the College's jurisdiction, at work, or engaged in the business of the College, an individual covered under this Policy may not consume alcohol or controlled substances, except where allowed as defined by this Section.

- a) Alcohol: Limited legal consumption of alcohol at College-sponsored events held during the workday or during a traditional meal break in the individual's workday and off College property is not prohibited by this policy with the exception of safety sensitive functions as described below.
- b) Controlled Substances: Consumption of a controlled substance that has a currently accepted medical use, is at the direction of a health care provider, is prescribed for the individual, and is being consumed during or prior to the workday consistent with the manner in which it was prescribed, is not prohibited with the exception of safety sensitive functions as described below. Note: federal law does not define Medical Cannabis as having a currently accepted medical use. However, employees and other covered individuals are expected to present themselves in a manner fit to perform the functions of their job. Additionally, during the workday, any use of a controlled substance inconsistent with the criteria set forth above is strictly prohibited. Any individual who is found to have violated this section of the policy will be dealt with as appropriate. This may include removal from the worksite and/or discipline up to and including termination. For student employees, this may also include appropriate action pursuant to the Code of Student Conduct.
- c) Safety Sensitive Functions: Notwithstanding subparagraphs (a) and (b) above, consumption of alcohol either at College-sponsored events or during a traditional meal break is prohibited for individuals whose positions include one or more safety-sensitive components as described in this Policy. Additionally, consumption of a controlled substance may not be permitted, even when consumption is consistent with the criteria of subparagraph (b) above. Individuals who have taken a controlled substance, or who must take a controlled substance during the course of the workday, must report this information to their supervisor. Any individual who exhibits the effects of having consumed alcohol or a controlled substance, whether before or during the workday, will be dealt with as appropriate, including removal from the worksite and/or discipline up to and including termination. For student employees, this may also include appropriate action pursuant to the Code of Student Conduct.

9. Drug Testing

Employees who are required to have a Commercial Drivers License (“CDL”) to perform their job duties are required to undergo drug and/or alcohol testing upon hire as a commercial driver, when randomly chosen, for due cause or reasonable suspicion following certain motor vehicle accidents, or as ordered by a Substance Abuse Professional hired by the College.

10. Responsibilities of Supervisors

- a. Supervisors are expected to communicate to employees that there are support services available to employees who may need medical and/or therapeutic treatment for the abuse of alcohol or other drugs. If an employee serves in a safety sensitive function, then the supervisor must clearly state that the employee cannot be under the influence of alcohol and/or other drugs while performing his or her job duties.
- b. If a supervisor is suspicious that there is an alcohol or other drug problem with an employee and that the problem is affecting work performance, it is a supervisor’s responsibility to address the situation. When a supervisor suspects that an employee is under the influence of or impaired by a controlled substance that supervisor will, if possible, notify Human Resources. Early recognition of a problem and a prompt response by a supervisor are preferred. Possible behavioral indicators of alcohol or drug related problems may include, but are not limited to, those shown below:
 - Drowsiness or sleepiness
 - Alcohol or drug odors on the breath
 - Slurred or incoherent speech
 - Confusion
 - Unusually aggressive behavior
 - Unexplained mood changes
 - Lack of manual dexterity
 - Lack of coordination (e.g., staggering, inability to walk)
 - Unexplained work related accidents or injuries
 - Excessive sloppiness
 - Leaving work areas for extended periods or for unexplained reasons
 - Patterns of absenteeism or tardiness
 - Corroborating evidence
 - It should be noted that some of these symptoms may be indicative of a serious medical condition. If the supervisor believes that the employee requires urgent medical attention, the supervisor should call the appropriate campus Police Department.
- c. A supervisor who reasonably believes that an employee is exhibiting behavior that may be in violation of expectations as indicated herein, or that an employee may be unfit to perform the duties of his or her position, should contact the appropriate College affiliated health department to request a fitness-for-duty evaluation. After a discussion with the appropriate College affiliated health department, the employee should be escorted or otherwise safely transported to the appropriate medical facility. If the appropriate College affiliated health department determines that an employee is unfit to perform the duties of his or her position following an evaluation, the employee may be subject to removal from the worksite and/or discipline up to and including termination. If an employee is

covered by a collective bargaining agreement, said employee shall, upon request, be afforded the opportunity to have a union representative present during questioning by a supervisor or manager, or during initial intake discussions with staff of the appropriate College health department.

- d. If an employee reasonably believes that his or her supervisor is engaging in behavior that suggests the influence of alcohol or other drugs because the supervisor is demonstrating behavior as described herein, the employee should report the behavior.
- e. A supervisor who reasonably believes that a student employee is exhibiting behavior that may be in violation of responsibilities should contact Human Resources to request a fitness-for-duty evaluation as indicated herein. A student employee should then be escorted or otherwise safely transported to the College Security Department, or other appropriate Department, for evaluation.
- f. If the College Security Department, or other appropriate Department, determines that the student employee has violated the Paragraph above or is unfit to perform the duties of his or her position following an evaluation, the student employee may be subject to removal from the worksite and/or discipline up to and including termination.
- g. The supervisor may also refer the student employee to the student counseling center for additional help.
- h. The supervisor determines if discipline is necessary per departmental expectations for student employees. The supervisor may also choose to file an official complaint through the Code of Student Conduct.

11. Alcohol at Campus Events

- a. The use of alcoholic beverages at social functions on the College campuses is restricted to those functions open to members of sponsoring departments/organizations and their invited guests where service of alcohol is restricted to those of legal drinking age as defined by the laws of New Jersey. Such functions must be restricted to areas designated by the dean, chancellor, and/or vice president. In all cases, State laws governing the dispensing of alcoholic beverages must be observed.
- b. Per Circular, State of New Jersey, Department of the Treasury, Office of Management and Budget, No.: 06-14-OMB, departmentally-allocated State funds may not be used for the purpose of purchasing alcoholic beverages.
- c. As a further guide to the responsible use of alcohol, sponsoring departments are urged to observe the following practices when alcoholic beverages are served:
 - i. Provide an equal quantity of nonalcoholic beverages at the same place in an equally attractive variety.
 - ii. Provide food in sufficient quantity for the number of people present.
 - iii. Discontinue the sale or service of alcohol for a reasonable period prior to the anticipated end of the event.
 - iv. Note the availability of nonalcoholic beverages and food in any advertisement.
 - v. Provide for oversight by persons who have a demonstratable awareness of these regulations and the techniques to reduce risk and/or those who are so trained through the College.
 - vi. Designate at least one person to be responsible for ensuring adherence to these guidelines in any group where alcoholic beverages are served.
 - vii. Have an adequate mechanism in place to properly identify of-age drinkers, including verification of picture identification.
- d. In instances where an employee serves alcohol in his or her capacity as an employee of the College in a facility or an area not under the jurisdiction of the College, the employee

providing alcohol should be cognizant of those participating in the event who may not choose to use alcohol. When evaluating the location of such events, the employee coordinating the event should consider the personal needs of the individuals participating and whether they may be in recovery. In planning such events, the employee should follow the guidelines stated above.

12. Exceptions:

Exceptions to any provision within this Policy may be granted only by the Director of Human Resources or his or her designee.

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