

PROCEDURES MEMORANDUM

TO: MCC Staff and Students

FROM: Office of the President

SUBJECT: Drug Prevention Program Under the Drug-Free Schools and Communities Act as Amended

DATE: July 26, 2021

PURPOSE: To establish procedures to ensure compliance with the Drug-Free Schools and Communities Act as amended

SCOPE: This Procedures Memorandum (PM) applies to all College employees and students.

GENERAL PRINCIPLES:

The federal Drug-Free Schools and Communities Act Amendments of 1998 U.S.C. Sec. 1011(i), as amended, requires that the College adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees as a condition for the receipt of any form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program. Specific requirements of the legislation and College procedures to comply with those requirements are outlined in this PM.

1. Standards of Conduct

- A. The Act requires the College to adopt standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on College property or as part of any College activities. The College has done so. See [PM V-4](#), Student Conduct and Discipline and [PM VI-24](#), Employee Discipline Procedural Suggestions and General Work Expectations.
- B. "Illicit drug use" means the use of illegal drugs and the abuse of other drugs and alcohol, including anabolic steroids.
- C. "Campus" means—
 - 1) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

- 2) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

2. Annual Distribution of Notice to Students And Employees

- A. The Act requires the annual distribution of a notice of the standards of conduct to each employee and to each student who is taking one or more classes for any kind of academic credit, except for continuing education units. The notice must contain:
 - 1) A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
 - 2) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
 - 3) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students
 - 4) A clear statement that the College will impose sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

3. Responsibility for Notice and Notice Distribution

- A. The College Chief of Police, in concert with the Director of Labor Relations/General Counsel, the Vice President for Student Affairs, and the Vice President of Human Resources, will develop a notice to comply with the requirements of paragraph 2 above. Said notice will be reviewed annually to ensure compliance with the law. Using the most cost-efficient distribution method, the College Chief of Police, or his/her designee, will be responsible for distributing such notice annually to current College employees and to students enrolled in credit courses, except for continuing education units. Human Resources will provide a copy of the notice to employees hired during the interim between annual notice distributions. At the beginning of each academic quarter, the College Chief of Police, or his/her designee, will distribute the notice to students who enroll in credit courses during the interim between annual notice distributions.

4. Disciplinary Records

- A. Employees – Depending on the situation, the College Chief of Police or his/her designee, the Director of Labor Relations/General Counsel, or the Vice President of Human Resources will investigate allegations of employees' illicit drug use (as defined in this PM). The Vice President of Human Resources will retain records concerning each employee disciplined, or whose conduct is investigated, for violations or alleged violations of the standards of conduct as referenced in paragraph 1 of this PM. Such

records shall include the name of each employee disciplined or investigated, the date(s) of the discipline or investigation, and the related disciplinary records that may be retrieved for future reference.

- B. Students – Depending on the situation, the College Chief of Police or his/her designee, the Director of Labor Relations/General Counsel, or the Vice President for Student Affairs will investigate allegations of students’ illicit drug use (as defined in this PM). The Vice President for Student Affairs will retain records concerning each student disciplined, or whose conduct was investigated, for violations or alleged violations of the standards of conduct as referenced in paragraph 1 of this PM. Such records shall include the name of each student disciplined or investigated, the date(s) of the discipline or investigation, and the related disciplinary records that may be retrieved for future reference.

5. Biennial Review

- A. During the fall of every even-numbered year, the College Chief of Police or his/her designee, the Director of Labor Relations/General Counsel, the Vice President for Student Affairs, and the Vice President of Human Resources shall jointly conduct a review of the above-described drug prevention program. The purposes of such review shall be to:

- 1) Determine the effectiveness of the drug prevention program and to recommend, and pursue the implementation of, changes to the program if any are deemed necessary;
- 2) Determine the number of drug and alcohol-related incidents and fatalities that occur on the institution’s campuses as defined in paragraph 1 of this PM or as part of any of the institution’s activities, and are reported to campus officials;
- 3) Determine the number and type of sanctions that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution’s campuses or as part of any of the institution’s activities; and
- 4) Ensure that disciplinary sanctions are consistently enforced. (Firm but fair imposition of disciplinary sanctions upon students and employees who violate College standards of conduct relating to drug and alcohol use is essential to maintaining appropriate learning and working environments. Sanctions may be tailored in individual cases to reflect the severity of the violations.)

- B. By the end of each even-numbered year in which a review is conducted, the aforementioned report outlining the results of the review and recommendations for program changes, if any, will be presented to the College President.

6. Other Recordkeeping Requirements

- A. The Vice President of Human Resources and the Vice President for Student Affairs will maintain in their respective offices copies of the following documents as they relate to

employees and to students, respectively: A copy of the annual notice described in paragraph 2 of this PM and distributed by the College to students and employees under paragraph 3 of this PM, the biennial review report required by paragraph 5 of this PM; and any other records and documents relating to this drug prevention program.

- B. The Vice President of Human Resources shall maintain the disciplinary records for employees and the Vice President for Student Affairs shall maintain the disciplinary records for students, as specified in paragraph 4 of this PM.
- C. Such copies and records shall be retained for a minimum of three years after the fiscal year in which the record was created. If any litigation, claim, negotiation, audit review or other action begins before the three-year period expires, such records shall be retained until the completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.
- D. Upon request, the Vice President of Human Resources shall make available to the Secretary of the Department of Education (or an official or employee of the Department acting for the Secretary under a delegation of authority), and to the public, a copy of each item required by paragraphs 2, 3 or 5 of this PM or any other documentation as required by law.

7 Certification and Compliance

- A. The Act provides that, as a condition of receiving funds or any other form of financial assistance under any federal program, the College must certify that it has adopted and implemented a drug prevention program meeting the minimum requirements stated in the Act. All College offices and employees shall cooperate as necessary.

Adopted 9/1/90; Revised 12/1/01; 10/17/05; 8/11/06 (title changes only); 9/8/06; 8/17/10;
Reviewed 9/5/14 but no changes; 7/26/21 (title changes only)