



Administrative Rules

SUBJECT: Drug Free Workplace, Drug Free Schools and Communities Act & Drug and Alcohol Abuse Prevention Program (DAAPP) for Employees **AR#:** 3.03.003

Based on Board Policy: [C-3, Duties and Responsibilities, College President](#)

Recommended by Council/President: President

Date Approved/Amended: 10/09/89; amended 09/10/90, 07/08/98, 07/19/99, 03/06/02, 09/11/15

Value Statement

The Austin Community College District (“ACCD” or “The College”) is dedicated to the safety, health and welfare of its students, faculty and staff. The unlawful use and abuse of drugs and alcohol can negatively affect the work environment and greatly impact the lives of those who abuse these substances.

Policy

The unlawful manufacture, distribution, dispensation, possession or use of a drug or controlled substance or alcohol on College property, while on duty, while in or on premises or property owned or controlled by the College, or while in vehicles used for College business is strictly prohibited.

Use of alcohol at an authorized College function, in the course of official College business, or at an authorized College site, which adversely affects job performance or may adversely affect the health or safety of other persons is prohibited.

Distribution of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on premises on property controlled by the College is prohibited.

The College will offer an Employee Assistance Program for any employee needing aid with respect to drug or alcohol abuse. In addition, the College will offer drug-free-awareness and prevention of illicit use of drugs and abuse of drug or alcohol workshops and seminars for all employees. Employees believed to be under the influence of an unlawful drug or alcohol will be counseled.

An ACCD employee, who has been convicted under any criminal drug statute, must report that conviction to their immediate supervisor, in writing, no later than five days after the conviction.

President/CEO: Richard M. Rhodes Date: 09/11/15

**Drug Free Workplace, Drug Free Schools and Communities Act
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ACCD complies with local, state, and federal laws and penalties regarding the unlawful use of drugs or alcohol including possession of illegal drugs and drug paraphernalia on college premises and the sale or use of alcoholic beverages on ACC premises.

Discipline

Violations of this policy will result in disciplinary action, in accordance with [Resolution of an Employee Complaint or Grievance, Administrative Rule 6.08.005](#) up to and including immediate termination, depending upon the seriousness of the violation.

At the discretion of the College the employee may be referred to the Employee Assistance Program or chemical abuse rehabilitation program as a condition of employment. If the employee does not satisfy the condition of employment, disciplinary action may be taken, up to and including termination.

The policy of the Austin Community College District (ACCD) is to maintain a drug free workplace. For the purposes of this policy, "workplace" is defined as ACCD property, and district-sponsored activity, or any other site for the performance of work for ACCD. Activities prohibited by this policy shall be considered good cause, as that term is used in [Administrative Rule 6.08.001](#), for discipline, including, but not limited to suspension, non-renewal or immediate termination of employment, if the activities occur on district property or at district-sponsored activities or at any other site for the performance of work for the district. The provisions of [Administrative Rule 6.08.001](#) shall apply to violations of this policy. Prohibited activities under this policy include unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or inhalant, as defined in schedules I through V of section 202 of 21 U.S.C. S 812, 21 C.F.R. Sections 1308.11-1308.15, as amended from time to time, in the workplace, as defined by this policy.

All ACCD employees shall be provided a copy of this policy. As a condition of employment, all ACCD employees must comply with this policy. Any ACCD employee, who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined by this policy, must report that conviction to ACCD no later than five days after the conviction.

If the convicted employee was performing work pursuant to a federal grant or to a federal contract for the procurement of goods or services valued at \$25,000 or more, the Administration shall notify the federal contracting or granting agency of the conviction within ten days of receiving actual notice of the conviction from the employee or otherwise. Within thirty days after receiving notice of the conviction described in this policy, ACCD shall impose discipline on, or require satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a violation of a criminal drug statute if the violation occurred in the workplace.

The Austin Community College District ("the District") supports the requirements of the Drug Free Schools and Communities Act. The District also endorses the Standards of the Commission of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse of which it is a member institution. In support of this policy the District will adopt a Drug and Alcohol Abuse Prevention Program (DAAPP) to prevent the illicit use of drugs and the abuse of alcohol or inhalants by employees.

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The prevention program, DAAPP sponsored by the District shall include the annual distribution of the following to each employee:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs, alcohol or inhalants by students and employees on the property of the District or as any part of the District's activities;
2. A description of the applicable legal sanctions under local, State, and Federal law for unlawful possession, use, or distribution of illicit drugs, alcohol and inhalants;
3. A description of the health risks associated with the use of illicit drugs, abuse of alcohol and abuse of inhalants;
4. A description of the drug, alcohol and inhalant counseling, treatment, or rehabilitation programs that are available to students and employees; and
5. A clear statement that the Austin Community College District will impose sanctions on employees (consistent with local, State, and Federal law) and a description of these sanctions, up to and including termination of employment and referral for prosecution for violations of the standards of conduct.

The Austin Community College District will also conduct an annual review of its program to: (a) determine its effectiveness and implement changes if they are needed; (b) ensure that the drug, alcohol and inhalant abuse violations and sanctions are imposed by the District are consistently enforced; and (c) prepare a biennial review report approved by ACC's President/CEO to meet full compliance with the Education Department General Administrative Regulations (EDGAR) 34 CFR Part 86.100.