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Policy Name:	Student Drug and Substance Abuse
Policy Number:	ADM 9.09
Title of Policy Owner:	Dean of Administration
Approved by:	Policy Committee/Administrative Cabinet
Effective Date:	02/24/2021
Version:	2.0
Policy Status:	Approved

I. Policy

Student Drug and Substance Abuse

II. Purpose

The College strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its students, associates, and guests by assuring that a drug-free workplace is maintained and that students are unimpaired by the effects of drugs or alcohol. The College has established this policy in compliance with this commitment to the federal Drug-Free Schools and Communities Act of 1989 and, as applicable, the Drug-Free Workplace Act of 1988 (US Code Title 41, Chapter 10, Section 701).

The law requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, an institution of higher education must certify that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and associates.

III. Scope

This policy is applicable to any student, associate, on guest attending any of the College's programs or activities.

IV. Definitions

College property is defined as: any building or property owned or controlled by the College or property that is within the same reasonably contiguous geographic area of the College and used by the College in direct support of, or in a manner related to, the college's educational purposes, including (i) property within the same reasonably contiguous geographic area of the College that is owned by the College but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor), and any (ii) property that is within

the same reasonably contiguous geographic area of the College, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the College if the facility is used by the College in direct support of, or in a manner related to the College's educational purposes.

A student is impaired if he or she displays behavior or conduct which suggests that his/her ability to function mentally or physically in a safe and/or appropriate fashion is compromised or affected by drugs or alcohol. Observable signs that could create a reasonable suspicion of impairment include: physical signs such as swaying, holding onto things, dilated pupils, stumbling, slurring of speech or unusual appearance such as stained clothing, unusual odors, overall messy appearance.

#### V. Policy Details

The risks associated with the use of illicit drugs and abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration and devastating effects on family and friends. There are obvious risks such as suffering a hangover, being charged with driving under the influence or while intoxicated, and sustaining or causing personal injury. There are a number of less obvious risks associated with alcohol and other drug abuse that students, associates, and guests might not realize, including:

- Poor academic performance
- Poor job performance
- Poor social interactions
- Unwanted and inappropriate sexual activity
- Sexually transmitted diseases, including HIV/AIDS
- Pregnancy
- Jeopardizing future career prospects

In addition, alcohol and other drug abuse puts the user at considerable health risk, which can include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to fellow classmates, the public and to unborn children.

All students, associates, and guests must adhere to definitions of substances (Appendix A) and alcohol (Appendix B) laws in state and federal laws concerning drug and alcohol use and are expected to conduct themselves in a manner consistent with College expectations. The College expressly prohibits the unlawful manufacture, distribution, dispensing, possession, or use of illicit drugs and alcohol by students, associates, and guests on College property or as part of any of its activities. Alcohol use by associates, students, and guests is only permitted on

College property at approved school-sponsored events within the limits of applicable law. Associates and students must ensure they consume alcohol responsibly at such permitted events.

In order to maintain a safe learning environment, it is expected that students will not be impaired by illicit drugs or alcohol during instruction or practicum work. Faculty, staff and students should report to administration their reasonable suspicion that a student is impaired by alcohol or drugs during practicum work. If, upon investigation and review of the report, the Dean of Academic Affairs (or a designee) concurs that there is reasonable suspicion of impairment by alcohol or drugs, the student will be required to immediately submit to drug and alcohol testing through a contracted drug testing company. The Dean of Academic Affairs may, but is not required to, seek consultation with a third-party vendor for assistance with determining whether such reasonable suspicion exists and for administering the testing process. The student will be required to pay for testing. Refusal to undergo testing is treated as a positive test. Except as limited by applicable law, positive results on the test will result in discipline, up to and including the student's dismissal from the College. Students also may be subjected to testing in accordance with the policies of a practicum site, and a positive test resulting from the application of any such policy will result in discipline, up to and including the student's dismissal from the College.

Confidentiality of testing results will be maintained to the extent practicable given the need for investigation and enforcement of this and other policies. Any student who violates ADM 3.21 Student Rights and Responsibilities as it relates to alcohol and drug use is subject to sanctions as listed in the policy. If a student provides proof that a positive test was the result of prescribed medications (a copy of the prescription or verification from the healthcare provider that they are taking medication under supervision), the College will make record of such and consult with legal counsel as to the resolution of such matter.

Associates will be subject to testing in accordance with applicable policies.

State and federal laws prohibit the unlawful use, manufacture, possession, control, sale and dispensation of any illegal narcotic or dangerous drug. Penalties for drug offenses depend on the nature and severity of the offense but include imprisonment and fines of up to \$100,000. Similarly, applicable law prohibits the possession of alcohol by an underaged individual or the distribution of alcohol by an unqualified individual. These laws carry penalties for violations, including monetary fines and imprisonment. Penalties for misdemeanor alcohol offenses could include confinement of up to 12 months and/or fines of up to \$2,500. Penalties for felony alcohol offenses include imprisonment up to 5 years, jail time of up to 12 months and fines of no more than \$2,500.

The College will impose disciplinary sanctions on students and associates (consistent with local, state and federal law) for violations of this policy. Such sanctions may include, but are not limited to, suspension or expulsion from the College, employment counseling, or suspension or termination of employment by the College as provided by the progressive discipline policy covering College associates, and referral for prosecution.

Unless prohibited by applicable law, accepted students may be required to successfully complete a screening for illicit drugs to fulfill admission requirements. Except as limited by applicable law, positive results on admission drug screening will result in the student's immediate dismissal from the College. Students who are dismissed for this reason may not reapply until at least 6 months later. Reapplication is not a guarantee of readmission.

The College cooperates fully with law enforcement authorities. Violations of this drug and alcohol policy, applicable policies relating to associates, and ADM 3.21 Student Rights and Responsibilities that are also violations of federal and local law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently in the College disciplinary system and in the criminal justice system.

The My Life Expert Student Assistance/Wellness Program can provide confidential consultation and referral to students with problems or concerns related to alcohol and/or drug use. Information about substance abuse and treatment programs is also available in the Office of Student Success. The Bon Secours Employee Assistance Program can provide free, confidential counseling and assistance with substance abuse and other issues. The College provides programming on alcohol and drug abuse prevention awareness through the SafeColleges web application and strongly encourages students and associates to complete the related module annually.

#### VI. Attachments

Appendix A – Controlled Substance: definition of drug or substance found in section 54.1-3401 (<http://leg1.state.va.us/000/cod/54.1-3401.HTM>) and Schedules I and Schedules 2 of Sections 54.1-3446 through 3456 of the Code of Virginia (<https://law.lis.virginia.gov/vacodefull/title54.1/chapter34/article1>), as amended, and Section 202 of the Federal Controlled Substances Act (21 U.S.C. 81).

Appendix B – Alcohol: Any product as defined in The Alcoholic Beverage Control Act, Title 4.1 of the Code of Virginia, as amended (<https://law.lis.virginia.gov/vacodefull/title4.1/>)

#### VII. Related Policies

## ADM 3.21 Student Rights and Responsibilities

## VIII. Disclaimers

- a. Nothing in this policy creates a contractual relationship between Bon Secours Memorial College of Nursing (BSMCON) and any party. BSMCON, in its sole discretions, reserves the right to amend, terminate or discontinue this policy at any time, with or without advance notice.

## IX. Version Control

Version	Date	Description	Prepared by
1.0	1/25/2021	Revisions and new template	Dean of Administration
2.0	2/24/2021	Approved by AC	