



COLLEGE of
CENTRAL
FLORIDA

COLLEGE of CENTRAL FLORIDA
ADMINISTRATIVE PROCEDURE

Title: Drug-Free Campus	
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Date Approved: 03/28/02 Date Revised: 11/27/06; 9/28/21	Divisions: Administration & Finance/Student Affairs

Purpose: In compliance with the Federal Drug-Free Schools and Communities Act of 1989, the Drug-Free Workplace Act and the Florida Drug-Free Workplace Program Requirements, the following guidelines and procedures are established to implement a drug-free campus and work environment.

Notification of Drug-Free Campus and Workplace

The President or the President's designee shall make an annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, of:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on college property or as part of any college activity;
2. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
5. A clear statement that the College will impose disciplinary 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 required by this policy. For the purpose of this policy, a disciplinary sanction may include the completion of an appropriate rehabilitation program;
6. A clear statement that the College may require an employee to submit to a drug test when there is a reasonable suspicion that the employee has engaged in illegal or improper use of drugs or alcohol;
7. A clear statement that the College may require an employee to submit to a follow-up drug test when an employee has participated in a drug/alcohol rehabilitation program as a condition of continued employment;
8. A clear statement that the College may require a student to submit to a drug test when there is a reasonable suspicion that the student has engaged in illegal or improper use of drugs or alcohol;
9. A clear statement that the College may require a student to submit to a follow-up drug test when a student has participated in a drug/alcohol rehabilitation program; and

10. A clear statement that the College will consider an employee's, a primary candidate's or a student's refusal to submit to drug testing an unsatisfactory test result.

Review of Drug-Free Campus and Workplace Policy

The President or the President's designee shall conduct a biennial review by the College of its program to: (1) determine its effectiveness and implement changes in the program if they are needed; and (2) ensure that the disciplinary sanctions described in the policy are consistently enforced.

Employee Testing -- Reasonable Suspicion of Drug/Alcohol Abuse

1. Reasonable suspicion drug testing means that the testing is based on a belief that an employee is using or has used drugs in violation of College policy. Reasonable suspicion may be based on the following:
 - direct observation of drug use;
 - direct observations of physical symptoms or manifestations of being under the influence;
 - pattern of abnormal conduct or erratic behavior at work;
 - significant deterioration in work performance over a period of time;
 - evidence of tampering with a drug test;
 - information that employee contributed to, caused or involved in accident at work; and/or
 - evidence that employee used, possessed, sold, solicited, or transferred drugs while on the College property.
2. An employee will be required to submit to drug testing if:
 - a. his/her behavior or performance indicates a reasonable concern as to his/her ability to safely and adequately perform the duties of his/her regularly assigned work shall be asked to submit to drug testing.
 - b. a satisfactory explanation is not provided for the employee's questionable behavior or performance; and
 - c. the employee's supervising Vice President, Provost, Dean, Director or the President recommends testing based on a determination of the above factors.

Excepting those cases involving a work-related injury under Chapter 440, Workers' Compensation Law, if the employee requests assistance in overcoming an alcohol or drug abuse problem through the Employee Assistance Program (EAP), then drug screening will not be required and the employee shall not be subjected to disciplinary action on the basis of his/her admission.

3. If the President or the President's designee approves a request for drug or alcohol testing, a written determination for the basis of the testing shall be provided to the Director of Human Resources. The Director of Human Resources will then contact the employee and arrange for testing to take place within twelve (12) hours from receipt of the approved request. The College will arrange for transportation to the testing.
4. Prior to testing, the employee will receive a list of common medications which may affect the test results. In addition, the employee will receive a list of all drugs for which the employer will test, described by brand name, common name and chemical name.
5. Before and after testing, the employee will be given the opportunity to confidentially report the use of prescription or non-prescription drugs which may affect test results. This information is to be reported to the testing facility and will be kept confidential along with the testing results.
6. Prior to testing, the employee may consult with the medical review officer or laboratory official about technical information regarding prescription and nonprescription medications.

7. Refusal to submit to testing will be treated as an unsatisfactory result for purposes of discipline and may result in employee's termination.
8. The Human Resources office will notify the recommending administrator or supervisor of the results.
 - Negative (satisfactory) Test Results: If the confirmed test is satisfactory, the employee will return to work without prejudice. Continued performance problems will be handled according to established procedures.
 - Positive (unsatisfactory) Test Results: Within five (5) working days of receiving a confirmed positive test result, the employee will be notified in writing of the tests results, the consequences of the results, and the options available to the employee.
 - 1) An employee who receives a positive test result may contest or explain the result to the medical review officer within five (5) working days after receiving written notification of the test result. If the employee's explanation or challenge is unsatisfactory, the medical review officer shall report the positive confirmed test to the College and the employee may contest the result pursuant to law or rules adopted by the Agency for Health Care Administration.
 - 2) Within five (5) working days after receiving the medical review officer's report of the positive confirmed test, the College shall notify the employee in writing that the candidate may submit information to the College explaining or contesting the result, and explaining why the result does not constitute a violation of the College's Drug-Free Campus and Workplace Policy.
 - 3) If the College considers the employee's explanation or contest unsatisfactory, the College will provide the employee with a written explanation as to why the explanation or contest is unsatisfactory along with a copy of the result report. At that time, the College may refer employee to a drug or alcohol treatment program through the EAP or to a private physician.
 - 4) Upon completion of a drug or alcohol treatment program, an employee will be required to take a follow-up drug test. An employee's failure to complete a drug or alcohol program or an unsatisfactory result on a follow-up test may result in immediate employment termination.
9. All documentation concerning a positive result report, employee explanation or contest, and College response shall be kept confidential and be retained by the College for one (1) year.
10. An employee must notify the testing laboratory of any administrative or civil action brought pursuant to the Drug-Free Workplace Program requirements.
11. Upon written request by the employee, the Human Resources office will provide a copy of testing results.
12. All information and testing results received by the College are confidential communications.

Employee Post-Accident Testing

1. An employee who, while in the performance of their duties, are involved in accidents in which personal injury or property damage is sustained may be required to undergo testing if there is a reasonable suspicion that drugs or alcohol were involved.
2. Supervisors shall immediately inform the Director of Human Resources of any accident meeting the criteria for reasonable suspicion testing. The Director of Human Resources is responsible for arranging drug screening within four (4) hours of receipt of the accident.

3. Prior to testing, the employee will receive a list of common medications which may affect the test results. In addition, the employee will receive a list of all drugs for which the employer will test, described by brand name, common name and chemical name.
4. Before and after testing, the employee will be given the opportunity to confidentially report the use of prescription or non-prescription drugs which may affect test results. This information is to be reported to the testing facility and will be kept confidential along with the testing results.
5. Prior to testing, the employee may consult with the medical review officer or laboratory official about technical information regarding prescription and nonprescription medications.
6. Negative (satisfactory) Test Results: If the confirmed test is satisfactory, the employee will return to work without prejudice. Continued performance problems will be handled according to established procedures.
7. Positive (unsatisfactory) Test Results: Within five (5) working days of receiving a confirmed positive test result, the employee will be notified in writing of the tests results, the consequences of the results, and the options available to the candidate.
 - a) An employee who receives a positive test result may contest or explain the result to the medical review officer within five (5) working days after receiving written notification of the test result. If the employee's explanation or challenge is unsatisfactory, the medical review officer shall report the positive confirmed test to the College and the employee may contest the result pursuant to law or rules adopted by the Agency for Health Care Administration.
 - b) Within five (5) working days after receiving the medical review officer's report of the positive confirmed test, the College shall notify the employee in writing that the employee may submit information to the College explaining or contesting the result, and explaining why the result does not constitute a violation of the College's Drug-Free Campus and Workplace Policy.
 - c) If the College considers the employee's explanation or contest unsatisfactory, the College will provide the employee with a written explanation as to why the explanation or contest is unsatisfactory along with a copy of the result report. At that time, the College may refer employee to a drug or alcohol treatment program through the EAP or to a private physician.
 - d) Upon completion of a drug or alcohol treatment program, an employee will be required to take a follow-up drug test. An employee's failure to complete a drug or alcohol program or an unsatisfactory result on a follow-up test may result in immediate employment termination.
8. All documentation concerning a positive result report, employee explanation or contest, and the College response shall be kept confidential and be retained by the College for one (1) year.
9. An employee must notify the testing laboratory of any administrative or civil action brought pursuant to the Drug-Free Workplace Program requirements.
10. Upon written request by the candidate, the Human Resources office will provide a copy of testing results.
11. All information and testing results received by the College are confidential communications.

STUDENT TESTING PROCEDURES

A student may be required to submit to a drug or alcohol test any time there is reasonable suspicion that the student is using or has used illegal drugs or alcohol in violation of College policy. A student may also

be required to submit to a drug or alcohol test as a sanction for violation of the Code of Student Conduct as determined by either the Chief Student Affairs Officer or a Hearing Panel.

1. Reasonable suspicion drug testing means that the testing is based on a belief that a student is using or has used drugs in violation of College policy. Reasonable suspicion may be based on the following:
 - direct observation of drug use;
 - direct observations of physical symptoms or manifestations of being under the influence;
 - pattern of abnormal conduct or erratic behavior in the classroom, during College activities, or while on College or Foundation properties;
 - an official incident report from a law enforcement agency indicating an alleged violation of the Code of Student Conduct as related to drug and/or alcohol abuse.
 - evidence of tampering with a drug test;
 - significant deterioration in course work performance over a period of time; and/or
 - evidence that student used, possessed, sold, solicited, or transferred drugs or drug paraphernalia while on the College property.
2. The Chief Student Affairs Officer will direct the student to provide a urine sample using a reputable preliminary screening test. The Director of Athletics and Wellness will coordinate the screening process.
3. Before and after testing, the student will be given the opportunity to confidentially report the use of prescription or non-prescription drugs which may affect test results. This information is to be reported to the testing facility and will be kept confidential along with the testing results.
4. Refusal to submit to testing will be treated as an unsatisfactory result for purposes of discipline and may result in the student's suspension or expulsion.
5. If the preliminary screening test sample is negative, no record will be placed in the student's confidential file. If the testing is positive, the student may accept the accusation of the appropriate violations of the Code of Student Conduct. Or, the student may exercise the option to be transported immediately by a College official to a certified laboratory near the College campus for a second screening. If the student selects this option, he or she will bear the cost of the second drug screening. At the time of the visit to the certified laboratory, the student may consult with a medical review officer or laboratory official about technical information regarding prescription and non-prescription medications.
6. If the sample is confirmed positive, the student will be charged with the appropriate violations of the Code of Student Conduct if violation has not already been determined.
7. For students who are required to undergo random drug testing as part of the sanctions imposed for violating the Code of Student Conduct, confirmed positive testing will result in expulsion.

Vice President, Administration and Finance

Date

Vice President, Student Affairs

Date

Approved by President

Date