

7003.

ADMINISTRATIVE REGULATIONS
FOR A DRUG-FREE DISTRICT

7003.1 The Administrative Dean, Human Resources, shall administer this regulation for all college employees; the Dean, Student Services, shall administer this regulation for all students covered by the provision of the laws cited.

7003.2 It is the intent and obligation of the Long Beach Community College District to provide and maintain a drug-free environment for employees and students and to institute a drug prevention program.

7003.3 The unlawful manufacture, distribution, dispensing, possession, or use of an illicit drug or alcohol by employees and students on District premises, or while conducting District business, or while conducting student activities off District premises, is prohibited. The list of illicit drugs is defined by statute and amended from time to time. The Chief, College Police, shall develop appropriate materials explaining state and federal laws of the use, possession, and sale of alcohol and illegal drugs on and off campus.

7003.4 According to the provisions of Public Law 101-226, the Drug-Free Schools and Campuses Act, as a condition for receiving funds or any other form of financial assistance under any Federal program, the District will provide a drug prevention program which includes the following:

- A. The annual distribution, in writing, 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), regardless of the length of the student's program of study, of:
 - 1. Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by District students and employees on District premises or as part of any of its activities on or off District premises;
 - 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 District employees or students; and
 - 5. A clear statement that the District 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. A disciplinary sanction may include the completion of an appropriate rehabilitation program. Discipline will be administered progressively and in accord with

collective bargaining agreements, Personnel Commission rules and regulations, and with the Standards of Student Conduct.

- B. The District will conduct a biennial review of this program to determine its effectiveness and implement changes to the program if they are needed; and to ensure that the disciplinary sanctions of this policy are consistently enforced.

7003.5

According to the provisions of Title V-D of Public Law 100-690, the Drug-Free Workplace Act of 1988, all grantees receiving grants from any Federal agency certify to that agency that they will make a good faith effort to maintain a drug-free workplace, or, in the case of a grantee who is an individual, certify to the agency that his/her conduct of grant activity will be drug-free. The District as a federal grantee will provide a drug-free workplace. A drug free workplace means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, possession, or use of a controlled substance. Employees covered by this regulation include all employees whose services are directly paid for by grant funds and those employees of the District who perform support or overhead functions related to the grant and for which the Federal Government pays its share of expenses under the grant program. Any other person who is on the District's payroll and works in any activity under the grant, even if not paid from grant funds, is also considered to be an employee. For the purposes of this Act, institutions of postsecondary education participating in the campus-based financial aid programs are deemed to be "grantees" and the program allocations are deemed to be "grants." As such, the individual recipients of funds under the campus-based student financial assistance programs are not required to sign a certification. College Work-Study program students are considered to be employees of the institution in the context of this Act.

- A. The District will publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition. A "controlled substance" is one that is listed in schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and is further defined in federal regulations at 21 C.F.R. 1308.11 - 1308.15.
- B. The District will provide a copy of this statement to each employee engaged in the performance of the grant.
- C. The District will establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the District's policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

- D. Students covered as individuals by this Act (PL 100-690) are Pell grant recipients. These students must certify that they will not engage in any illicit drug-related activities at any time during the period of their grant.

7003.6

According to PL 100-690, as a condition of employment under the grant, the employee shall abide by the terms of this statement in 7003.5

- A. The employee shall notify the Administrative Dean, Human Resources, of any criminal drug statute conviction for a violation occurring in the workplace or while conducting business related to the grant off District premises, no later than five (5) calendar days after such conviction. "Conviction" means a finding of guilt (including a no-contest plea) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
- B. The District shall notify the appropriate federal agency within ten (10) calendar days after receiving from an employee or otherwise receiving actual notice of such a conviction under 7003.6A of the grant identification number(s) and position title of the convicted employee.
- C. The District shall take one of the following actions within 30 calendar days of receiving notice with respect to any employee who is so convicted. No action will be imposed based solely on allegation of violation. Discipline will be administered progressively and in accord with collective bargaining agreements, Personnel Commission rules and regulations, and the Standards of Student Conduct.
 - 1. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
 - 2. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended.

7003.7

The District shall make a good faith effort to continue to maintain a drug-free college, as defined by Public Law 101-226 and Title V-D of Public Law 100-690, through implementation of the above regulations.