

3.3.13 KCTCS Substance Abuse

3.3.13.1 Drug Abuse

3.3.13.1.1 KCTCS Policy Regarding Drug Abuse

The KCTCS is committed to providing a healthy and safe workplace for its employees. Conduct which is a violation of this policy poses unacceptable risk and disregard for the health, safety, and welfare of co-workers, students, and the total KCTCS community.

The unlawful possession, use, dispensation, distribution, or manufacture of controlled substances by employees, while on KCTCS property and/or on KCTCS business, is prohibited.

Any employee who engages in the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances, while on KCTCS property and/or KCTCS business, or who is convicted of a criminal drug statute violation which occurred in the workplace or while on KCTCS business is subject to disciplinary action, up to and including suspension or discharge.

3.3.13.1.2 Legal Use of Prescribed Medicines

The legal use of prescribed medicines under the direction of a licensed physician is permitted. Employees in selected positions, designated by KCTCS, are required to make such use known to an appropriate KCTCS representative, as described in college standard operating procedures. Employees using prescribed medicines should consult with a physician concerning the safe use of the drug during working hours.

3.3.13.1.3 Delegation

Authority for enforcement of this policy is vested with the KCTCS Chancellor/Vice Presidents.

3.3.13.1.4 Procedure

The KCTCS provides for its employees educational programs and general information on the following:

1. The dangers of drug use and abuse in the workplace;
2. KCTCS Drug Free Policy;

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3. The availability of drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties for violation of the KCTCS Drug Abuse Policy.

In the KCTCS colleges, whenever a supervisor witnesses the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances by an employee, that supervisor shall notify the college president/chief executive officer who shall (1) immediately notify the appropriate police authority, (2) suspend the employee pending further investigation, and (3) inform the college chief official for Human Resources.

The college president/chief executive officer in conjunction with the employee's supervisor and the college chief personnel officer, shall conduct an investigation and, based on the factual information obtained from all parties, determine whether there has been a violation of this policy, and report the evidence to the KCTCS Vice President primarily responsible for Human Resources.

All discussions, investigations and basis for disciplinary or rehabilitative actions shall be strictly confidential.

If the evidence confirms that the staff employee has violated this policy, the KCTCS Vice President primarily responsible for Human Resources, in conjunction with the college president/chief executive officer, shall determine the appropriate sanction to include the following:

1. Disciplinary action up to and including suspension or discharge; and/or
2. Referral to an employee assistance program and/or drug rehabilitative program.

Whenever a supervisor notices an employee with overt signs of mental or physical impairment thought secondary to substance abuse, or when job related behavior or work performance suggests substance abuse, the college president/chief executive officer shall refer the employee to an appropriate local rehabilitation health service.

The decision to acknowledge substance abuse and accept therapeutic intervention rests with the employee, and participation in an employee assistance program or rehabilitation program is voluntary. However, refusal to participate in appropriate intervention program(s) shall result in disciplinary action, up to and including suspension or dismissal.

The college president/chief executive officer with the college chief personnel officer shall monitor the progress of the employee and inform the supervisor of the employee's progress and anticipated safe return to the job.

If an employee with suspected substance abuse and/or poor work performance, thought secondary to that substance abuse, refuses employee assistance program referral and/or appropriate rehabilitation services, the college president/chief executive officer with the college chief personnel officer and the employee's supervisor shall institute the appropriate work performance evaluation and action.

In compliance with the Federal Drug-Free Workplace Act of 1988 (Section 5151), an employee shall abide by this Drug Abuse Policy, and notify the immediate supervisor if the employee is convicted of a criminal drug offense occurring in the work place or while on KCTCS business within (5) days after the conviction. The immediate supervisor shall immediately notify the college president/chief executive officer when an employee is involved.

If the employee is under federal contract or grant, the immediate supervisor shall notify the sector chief personnel officer who shall notify the Chancellor who in turn shall notify the appropriate federal contract/granting agency within ten (10) days after notification by the supervisor of the conviction.

Within thirty (30) days after an employee's conviction for a drug offense on KCTCS property and/or on KCTCS business, the KCTCS shall take appropriate sanctions and remedies in accordance with this policy, and Kentucky Community and Technical College System policies and procedures, up to and including suspension or dismissal, and/or satisfactory participation in an approved substance abuse assistance/rehabilitation program.

3.3.13.1.5 Student Employees

If evidence confirms that a student employee has violated this policy, the college president/chief executive officer with the college chief personnel officer, consistent with Kentucky Community and Technical College System policies and procedures, shall determine the appropriate sanction in accordance with the student employee's status as an at-will employee.

Nothing in this policy shall be construed to prohibit or interfere with whatever appropriate disciplinary action may be taken in accordance with the student employee's student status, as provided by the Code of Student Conduct.

3.3.13.1.6 Drug Free Workplace Notification

Set forth in Appendix I is a memorandum regarding Drug-Free Workplace Notification.

3.3.13.1.7 KCTCS Policy on Alcohol Abuse

KCTCS is committed to providing a healthy and safe workplace for its employees. The problem of alcohol abuse constitutes a growing national crisis; therefore, the KCTCS has this alcohol abuse policy.

Conduct which is a violation of this policy poses unacceptable risk and disregard for the health, safety, and welfare of co-workers, students, and the total KCTCS community.

Alcohol abuse, or being under the influence or the unauthorized use or consumption of alcohol on KCTCS property or while on KCTCS business, is prohibited and is subject to disciplinary action up to and including suspension or discharge.

Reporting to work under the influence of alcohol is prohibited and is subject to disciplinary action, up to and including suspension or discharge.

Authority for enforcement is vested with the KCTCS Chancellor/KCTCS Vice Presidents.

3.3.13.1.8 Procedure Regarding Alcohol Abuse

The KCTCS provides educational programs and general information on the danger of alcohol use and abuse in the workplace. The KCTCS trains its supervisors to recognize mental and physical signs of problem drinking.

In the KCTCS, the supervisor shall notify the college president/chief executive officer who shall (1) suspend the employee pending further investigation and (2) inform the college chief personnel officer.

The college president/chief executive officer in conjunction with the employee's supervisor and the college chief personnel officer shall conduct an investigation and, based on factual information obtained from all parties involved, determine whether there has been a violation of this policy.

All discussions, investigations and basis for disciplinary or rehabilitative actions shall be strictly confidential.

If the evidence confirms that the staff employee has violated this policy, the college president/chief executive officer, with the employee's supervisor and the college chief personnel officer, shall review the factual information to determine the appropriate action which includes as follows:

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1. Disciplinary action up to and including suspension or discharge; and/or
2. Referral to an employee assistance program or rehabilitation program.

If evidence confirms that a student employee has violated this policy, the college president/chief executive officer, consistent with Kentucky Community and Technical College System policies and procedures, shall determine the appropriate sanction in accordance with the student employee's status as an at-will employee. Nothing in this policy shall be construed to prohibit or interfere with whatever appropriate disciplinary action may be taken in accordance with the student employee's student status, as provided by the Code of Student Conduct.

Whenever a supervisor notices an employee with overt signs of mental and physical impairment thought to be secondary to substance abuse, or when job related behavior or work performance suggests substance abuse, the employee shall be referred to the appropriate local rehabilitation health service by the college president/chief executive officer.

The decision to acknowledge problem drinking and accept therapeutic intervention rests with the employee, and participation in an employee assistance program or rehabilitative program is voluntary. However, refusal to participate in appropriate intervention program(s) shall result in disciplinary action, up to and including suspension or dismissal.

The college president/chief executive officer shall monitor the progress of the employee, and inform the employee's supervisor of the employee's progress and anticipated safe return to the job.

If an employee with problem drinking and/or poor work refuses or fails therapy, then the college president/chief executive officer, in conjunction with the employee's supervisor, shall institute an appropriate work performance evaluation and action.

<u>4-30-99</u> Approval Date	<u>6-14-05; 4-21-09</u> Date(s) of Last Review	<u>6-14-05; 4-21-09</u> Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED)	4-21-09	(SIGNED)	4-21-09
<u>Recommended by</u>	<u>Date</u>	<u>President, KCTCS</u>	<u>Date</u>

3.3.13.2 KCTCS Alcohol Policy

The possession and/or consumption of alcoholic beverages on KCTCS property is subject to Kentucky statutes, county and city ordinances, and KCTCS regulations developed in keeping with this policy. All members of the KCTCS community are expected to obey these laws and regulations. KCTCS desires to promote responsible consumption according to all applicable laws and regulations. Additionally, KCTCS desires to provide an environment for students where alcohol is not made available, alcohol consumption is not encouraged, and further, alcohol education and counseling programs are promoted.

- A. In order to promote operational efficiency and to provide administrative flexibility within KCTCS, the President delegates this function to the College President/CEO for his/her respective college.
- B. Alcoholic beverage usage on KCTCS property shall be consistent with applicable state law and local ordinances governing individual colleges and/or regulations and procedures developed and approved by the College President/CEO in the implementation of this policy.
- C. The possession and/or consumption of alcoholic beverages on KCTCS property is permitted only in those locations and circumstances as set forth in paragraph D and E.
- D. Alcoholic beverages may be served and consumed at official KCTCS functions and non-KCTCS functions as approved by the College President/CEO consistent with College regulations and procedures enacted to implement this policy. Such regulations and procedures shall include and be consistent with the following provisions:
 1. **Applicability:** The policy applies to all persons and entities using KCTCS owned or operated facilities.
 2. **Sponsorship Requirements:** Every event at which alcoholic beverages will be served must have a designated sponsor approved by the College President/CEO. The sponsor may be either an individual of at least 21 years of age or an organization or association recognized by the college.
 3. **The College as Sponsor:** No one may represent the college (or any of its subsidiary departments and offices) as the sponsor of an event at which alcoholic beverages are served without express written permission from the College President/CEO. Student organizations are prohibited from sponsoring such events.
 4. **Permits:** The sponsor must obtain, or ensure that its caterer obtains, the applicable Alcoholic Beverage Control Board (ABC) permits required under Chapter 243 of the Kentucky Revised Statutes, and must submit a copy of all

- required permits to the College President/CEO. All servers of alcoholic beverages must be 21 years of age or older.
5. **Locations (multi-campus sites):** Alcohol may be served only in those facilities or locations identified as appropriate by the College President/CEO. Examples include but are not limited to the following: convention centers, multi-purpose rooms, conference rooms, performing arts auditoriums and enclosed foyers. Designation of facilities is up to the discretion of the College President/CEO and may include outside areas.
 6. **Sale of Alcohol Prohibited:** The sale of alcoholic beverages is prohibited at any event on campus except as permitted pursuant to a lawfully issued license in accordance with the provisions of Kentucky Revised Statute 243.033 (governing caterers) or Kentucky Revised Statutes 243.260 (governing special temporary licenses) and the regulations issued pursuant thereto.
 7. **Service of Alcohol to Minors Prohibited:** Consumption of alcoholic beverages is limited to persons 21 years of age or older. No one under the age of 21 shall be served alcoholic beverages. Proof of age shall be required.
 8. **Food and Non-alcoholic Beverages Must be Made Available:** Non-alcoholic beverages and food must also be provided at any event at which alcoholic beverages are served.
 9. **Attendance Limited to Invited Guests:** Events at which alcoholic beverages are served will be closed to the general public. Only those persons specifically invited will be admitted.
 10. **Event Advertising and Promotion:** Promotions and advertisements for events shall not indicate that alcohol will be served or consumed.
 11. **Alcohol Must Remain in Designated Space:** The possession or consumption of alcoholic beverages is permitted in designated event areas only.
 12. **Intoxicated Persons May Not be Served:** Visibly intoxicated and/or disorderly persons shall not be served or permitted to consume alcoholic beverages.
 13. **Time of Service Limited:** The serving of alcoholic beverages at all approved events will be limited to a total of not more than five hours with termination of service of alcoholic beverages at least one hour prior to the end of the event.
 14. **Additional Precautions May be Required:** The College reserves the right to require additional precautions such as the use of trained persons to dispense alcoholic beverages in instances where alcohol is being provided pursuant to a special temporary license issued for a non-profit, charitable event, stricter

- limitations on times of service, or the use of security to assist in ensuring compliance with this policy.
15. **Involvement of Facilities Coordinator:** Persons or organizations wishing to use KCTCS facilities covered under this policy should contact the facility coordinator for additional instructions or information prior to submitting to the College President/CEO a “Request for Approval to Serve Alcoholic Beverages”.
 16. **Payment:** Payment for alcoholic beverages shall only be made as set forth in Section F of this policy.
 17. **Violation of Policy:** Any person or organization found in violation of this policy may be barred by KCTCS from the sponsorship of further events. KCTCS may, at its sole discretion, terminate the service of alcohol at any event on KCTCS owned or operated property. Furthermore, KCTCS may, at its sole discretion, terminate the service of alcohol at KCTCS events held at other locations.
 18. **Approval Process:** Any person or organization wishing to sponsor an event under the provisions of this Policy must complete a “Request for Approval to Serve Alcoholic Beverages” form. Any sponsor from outside or within KCTCS is required to make all arrangements under this Policy. The sponsor must obtain written approval from the College President/CEO.

E. Alcohol Use in Programs of Study

1. Subject to approval by the College President/CEO, the use of alcohol is permitted for educational purposes that encompass Culinary Arts events and other related functions that have educational purposes.
2. All alcoholic beverages kept on College property shall be stored in a secure location.
3. Alcoholic beverages may be made available for consumption in certain classes under appropriate supervision. Class participants will be asked to present proof that they are of legal Kentucky drinking age and will be held responsible for limiting their consumption of alcohol to safe amounts.

F. Funds for Purchase of Alcoholic Beverages

1. Alcohol for instructional use in programs of study may be purchased with institutional funds. In such instances an employee may be required to make the purchase and seek reimbursement or to make arrangements for the invoice to be direct billed to the College. KCTCS Purchasing is to be consulted prior to the purchase for the most efficient purchase method.

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2. Alcoholic beverages for any other use than instructional use in programs of study must be purchased with non-KCTCS funds.

6-21-06			
_____ Date Approved by President, KCTCS	_____ Date(s) of Last Review	_____ Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED)	6-21-06	(SIGNED)	6-21-06
_____ Recommended by	_____ Date	_____ President, KCTCS	_____ Date

3.3.14 KCTCS Tobacco Free Policy

This Policy supersedes KCTCS Administrative Policy 3.3.14 KCTCS Smoking Policy and all other College policies enacted to address Tobacco Product use.

The Kentucky Community and Technical College System (KCTCS) is committed to providing and maintaining a safe and healthy environment for its students, employees and visitors. In view of this commitment, KCTCS is a tobacco-free institution. This means Tobacco Products use (including e-cigarettes) will be prohibited System-wide at all 16 colleges and all campuses including the System Office.

Definitions:

“Tobacco Products” means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), electronic cigarettes/vaping, bidis, clove cigarettes and smokeless tobacco products (snuff, chewing tobacco, and dipping tobacco). Tobacco does not include nicotine replacement therapies such as patches, gum or prescription medication intended to assist an individual in quitting the use of Tobacco Products.

“Members of KCTCS” include its faculty, staff, students, volunteers, vendors, patrons, customers, guests, visitors, and persons employed as a KCTCS contractors.

“Property” includes buildings and structures, grounds, parking structures, enclosed bridges and walkways, sidewalks, parking lots, and vehicles owned, rented or leased by KCTCS.

This Policy applies to all Members of KCTCS.

The use of all Tobacco Products is prohibited on all Property that is owned, operated, leased, occupied, or controlled by KCTCS.

Enforcement of this policy will not extend to the use of Tobacco Products in private vehicles located on KCTCS Property provided users make a reasonable effort to contain Tobacco Products and smoke inside the vehicle (e.g., keeping windows, doors and roofs closed).

Tobacco Products use may be permitted for controlled research with prior approval of the president, responsible for the college or campus.

Tobacco Products use may be permitted for educational, clinical, or religious ceremonial purposes with prior approval of the president, responsible for the college or campus.

Tobacco Products use may be permitted on properties that KCTCS owns, but leases or otherwise conveys an interest (e.g. an easement) to a non-KCTCS party, according to the provisions of the applicable lease or agreement.

This Tobacco-Free Policy relies on the thoughtfulness, consideration, and cooperation of Tobacco Product users and non-Tobacco Product users for its success. It is the responsibility of all Members of KCTCS, as well as visitors to KCTCS to inform and observe this policy.

Authority for enforcement of this policy is vested with KCTCS President and each college President, in conjunction with the System Director for Human Resources, the college Director of Human Resources and the Dean of Students at each college.

Violation of this policy may result in corrective action under the Student Code of Conduct, or KCTCS Progressive Discipline Human Resource procedure as applicable. Visitors and others refusing to comply may be asked to leave the campus/property.

3.3.15 KCTCS Campus Speech Policy

3.3.15.1 Use of College Property by Non-Affiliated Persons for Free Expression Activities

KCTCS is committed to addressing free expression activities in a way that is neutral toward content and viewpoint. Therefore, the purpose of this policy is to provide a uniform basis on which the Kentucky Community and Technical College System will handle the use of KCTCS property by non-affiliated persons for free expression activities through content and viewpoint-neutral guidelines consistent with and in furtherance of KCTCS's mission of providing education for college and workforce readiness, transfer education and workforce education and training. This policy replaces and supersedes all previous policies, procedures, guidelines, directives and rules concerning free expression activities by non-affiliated persons on KCTCS property.

I. Definitions

The following terms are defined for purposes of this policy:

- A. The term "free expression activities" means expression and/or assemblies generally protected by the First Amendment, including but not limited to distributing printed materials, public speaking, demonstrations, rallies, vigils, parades and marches.
- B. The term "traditional public forum" means property that by tradition or by government fiat is open to assembly and debate by members of the general public, such as city streets, sidewalks and parks.
- C. The term "limited public forum" means property that has not traditionally been regarded as open to free expression activities but which has been intentionally opened by KCTCS for the purpose of free expression activities in a way that is