

# Drug-Free Policy

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The United States Congress enacted the Drug-Free Workplace Act of 1988. The purpose of this law is to ensure that work done under federal contract or federal grants is performed in a drug free environment.

As a recipient of federal funds, Gordon State College prohibits employees (including college work students and student assistants) from engaging in the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs in the work place. In addition, the college prohibits its employees from engaging in such illegal activity at all times and at all places. Such activity, even during nonworking hours, clearly affects an employee's ability to perform his/her public duties. Therefore, Gordon State College adopts the following as its Drug-Free Policy.

## I.

No employee of the college may illegally engage in the manufacture, distribution, dispensation, possession or use of a controlled substance at any time or place, including while at his/her workplace. Such unlawful activity will be considered sufficient ground for a serious adverse personnel action, including dismissal from employment.

## II.

If an employee is arrested for or convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must notify the Office of the Assistant Vice President of Human Resources in writing within five calendar days of arrest or conviction.

## III.

Failure to comply with any part of this policy will result in serious adverse personnel action, including dismissal from employment.

Any questions concerning this policy should be directed to the Office of the Assistant Vice President of Human Resources.

# **Drug-Free Communities and Schools Act Amendments of 1989**

## **Standards of Conduct**

Gordon State College prohibits the unlawful possession, manufacture, distribution, dispensation and use of illicit drugs and alcohol on the institutional premises in accordance with the Drug-Free Communities and Schools Act of 1989 (Public Law 101-226).

## **Applicable Legal Sanctions for Unlawful Use of Illicit Drugs or Alcohol**

The Georgia Penal Code defines “CONTROLLED SUBSTANCES” as a drug, substance, or immediate precursor in Schedules I-V, Official Code of Georgia Annotated (O.C.G.A.), Code Sections 16-13-25 through 16-13-29, and Schedules I-V of 21 C.F.R. Part 1308. The schedules so established shall be updated and republished by the State Board of Pharmacy on an annual basis.

## **Criminal Punishment-State of Georgia**

*First Offender:* Whenever any person who has not previously been convicted of any offense under Article 2 or Article 3 of this chapter or of any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug, the court may without entering judgment of guilt and with the consent of such person defer further proceedings and place him/her on probation upon such reasonable terms and conditions as the court may require, preferably terms which require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years, designed to acquaint him/her with the ill effects of drug abuse and to provide him/her with knowledge of the gains and benefits which can be achieved by being a good member of society. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him/her. Discharge and dismissal under this Code section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this Code section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this Code section may occur only once with respect to any person (16-13-2(a).)

Notwithstanding any law to the contrary, any person who is charged with possession of marijuana, which possession is of one ounce or less, shall be guilty of a misdemeanor and punished by imprisonment for a period not to exceed 12 months or a fine not to exceed \$1,000.00, or both, or public works not to exceed 12 months (16-13-2(b).)

Possession of marijuana of one ounce or more is a felony that is punishable by imprisonment of not less than one year nor more than ten years (16-13-2(j) (2).)

It is illegal in Georgia to knowingly manufacture, sell, or bring more than ten pounds of marijuana into the state. This violation is known as “trafficking in marijuana,” and is punished according to the amount trafficked.

- **Between ten and 2,000 pounds.** Convictions carry a mandatory minimum prison sentence of five (but not more than 30) years, and a fine of \$100,000 (16-13-31(c) (1).)
- **Between 2,000 and 10,000 pounds.** Convictions carry a mandatory minimum prison sentence of seven (but not more than 30) years, and a fine of \$250,000 (16-13-31(c) (2).)
- **10,000 pounds or more.** Convictions carry a mandatory minimum prison sentence of at least 15 (but not more than 30) years, and a fine of \$1,000,000 (16-13-31(c) (3).)

The penalties for violation of the “controlled substances” provision are as follows:

- The sale of any Schedule I or II controlled substance is a felony punishable by five to 30 years in prison. A second or subsequent conviction is punishable by ten to 40 years in prison, or by a term of life.
- The sale of Schedule III, IV, or V CDS, other than flunitrazepam, is a felony punishable by one to ten years in prison.
- The sale of flunitrazepam is a felony punishable by five to 30 years in prison. A second or subsequent conviction is punishable by ten to 40 years in prison, or by a term of life.

Possession of an Alcoholic Beverage by a Person under 21 Years of Age While Operating a Motor Vehicle (40-5-63(e).)

If you are under 21 years of age and you are charged with possessing an alcoholic beverage while operating a motor vehicle, upon conviction the following Georgia driver’s license penalties will be incurred:

Upon conviction of this charge, you will face a 120-day license suspension and during the period of suspension you DO NOT get limited driving privileges. A plea of Nolo Contendere may be accepted in the Court’s discretion, and this plea will not cause a license suspension.

Possession of an Alcoholic Beverage by a Person under 21 Years of Age (3-3-23(a) (2); 3-3-23.1(f).)

If you are under 21 years of age and you are charged with possessing an alcoholic beverage, upon conviction you will face the following driver’s license penalties if the offense is reported to the department of driver services.

If convicted of this charge, you will face a 120-day license suspension and there are no limited driving privileges during the period of suspension.

**Note:** A plea of Nolo Contendere may be accepted in the Court’s discretion, and this plea will not cause a license suspension.

If you are under 21 years of age and you are charged with possessing an alcoholic beverage and you were not operating a motor vehicle at the time of the offense, the offense should not be reported to the Department of Driver Services and, therefore, should not result in a license suspension. However, if the

charge is reported to the Department of Driver Services, the Department will presume that the offense was committed while in the operation of a motor vehicle and will suspend your license.

### **Federal Sanctions for Drug Offenders**

Title 21, United States Code, Sections 841-865 describes the acts and criminal penalties and civil and criminal forfeiture provisions established by Congress.

Title 21, United State Code, Section 812 there are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after October 27, 1970, and shall be updated and republished on an annual basis thereafter.

#### **(b) Placement on schedules; findings required**

Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on October 27, 1970, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

##### (1) Schedule I:

- (A) The drug or other substance has a high potential for abuse.
- (B) The drug or other substance has no currently accepted medical use in treatment in the United States.
- (C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

##### (2) Schedule II:

- (A) The drug or other substance has a high potential for abuse.
- (B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- (C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

##### (3) Schedule III:

- (A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) Schedule IV:

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) Schedule V:

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

The manufacture, or distribution of various controlled substances, depending upon their Schedule sequence and the amount of substance involved is punishable by confinement and monetary fines. The years of confinement and monetary fines for each offense can be found in Title 21, United States Code, Section 841-865.

The penalty for “simple possession” of illegal drugs can also be found in Title 21, United States Code, Section 844.

Title 21, United States Code, Section 853 provides for forfeiture of possession and title to the federal government of any property used in drug offenses.

### **Health Risks Associated With the Use of Illicit Drugs and Alcohol**

Drug and alcohol abuse result in significant health problems for those who use them. Drug and alcohol use in the workplace not only contributes to lost productivity, but also causes tremendous cost related to absenteeism, accidents, health care, loss of trained personnel, and employee treatment programs. Drug and alcohol abuse causes physical and emotional dependence. Users may develop a craving for these drugs or alcohol and their bodies may respond to the presence of drugs in ways that lead to increased drug and alcohol use. Certain drugs, such as opiates, barbiturates, alcohol, and nicotine create physical

dependence. With prolonged use, these drugs become part of the body chemistry. When a regular user stops taking the drug, the body experiences the physiological trauma known as withdrawal. Psychological dependence occurs when taking drugs becomes the center of the user's life. Drugs have an effect on the mind and body for weeks or even months after drug use has stopped. Drugs and alcohol can interfere with memory, sensation, and perception. They distort experiences and cause loss of self-control that can lead users to harm others as well as themselves.

### **Drug and Alcohol Counseling, Treatment, and Rehabilitation Programs Available to Students and Employees**

Information on counseling, treatment, and rehabilitation programs are available through the office of Counseling & Accessibility Services.

Employees with substance abuse problems are encouraged to seek professional assistance within the parameters of the institutional personnel policies and procedures.

### **Sanctions**

Faculty, staff, and students are expected to adhere to the policies of the college and observe the basic standards of all local, state, and federal laws relative to unlawful use of drugs and alcohol. Penalties for violations of these standards range from warnings, probation, expulsion, loss of academic credit, suspension (temporary or permanent), withdrawal of organization recognition, and referral to the legal system for prosecution, and/or demotion or termination of employment. Detailed sanctions are defined in the Student Handbook, and the Classified Employee Handbook.