Delgado COMMUNITY COLLEGE

Policy No. SF-2530.1A

POLICY & PROCEDURES MEMORANDUM

TITLE:	**DRUG-FREE COLLEGE**
EFFECTIVE DATE:	**October 2, 2026*** *(*LRS Update 10/2/26; Procedural Update 9/25/23; 11/3/17; Title Updates 2/29/12; 7/6/10; 5/1/05; Original 11/18/97)*
CANCELLATION:	SF-2530.1 (9/25/23)
CATEGORY:	Safety (SF)*

POLICY STATEMENT

As a concerned employer and an educational institution, Delgado Community College is committed to the good health and wellbeing of all of its employees and students and is concerned about the personal problems of any employee or student that could arise from the illegal use or abuse of any controlled substance. Delgado Community College prohibits the abuse of drugs, including alcohol. It is unlawful to produce, manufacture, distribute, dispense, or possess illegal drugs, including smoking or vaping marijuana or other controlled dangerous substances on Delgado property or at any college-sponsored event, whether or not the event occurs on campus, and within two thousand feet of any such school, or while on a school bus.

Delgado prohibits the use of alcohol on campus, except as designated in the College's current policies on serving alcoholic beverages at student functions and approved College functions. The College provides referral services and other assistance to students, faculty and staff who seek help with substance abuse problems.

Present and potential college employees and students are advised that, as a condition of employment and/or enrollment, they must comply with all terms of the College's Drug-Free College Policy. All reports of alleged illegal use or abuse of any controlled substances by Delgado employees and/or students should be treated as confidential and handled in accordance with the provisions of this memorandum to protect the privacy of the individual. Any Delgado employee or student convicted of violating a criminal drug statute or alleged with violating a criminal drug statute on the College's premises or at an off-campus College function will be required to notify the College of such a conviction or allegation.

Alcohol and drugs can seriously damage physical and mental health, as well as jeopardize personal and public safety. For these reasons, violators of the Drug-Free College policy will face College sanctions. As with all illegal activities, substance abuse can result in criminal prosecution as well, under state and federal laws, including section 22 of the Drug Free Schools and Campuses Act Amendment of 1989 (Public Law of 101-226) and Louisiana Revised Statute 40:891.3 and 40:966-070, Violation of Uniform Controlled Dangerous Substances Law. The responsibilities and guidelines for maintaining a drug-free college are outlined in this memorandum.

PROCEDURES & SPECIFIC INFORMATION

1. Purpose

To publish the College's policy on maintaining a drug-free environment.

2. Scope and Applicability

This policy and procedures memorandum applies to all currently enrolled and prospective students and all employees of the College.

3. Guidelines for Drug-Free College

As a result of the College's commitment to its employees and students and in order to comply with the provisions of the Drug Free Schools and Campuses Act Amendment of 1989, the following guidelines have been instituted to ensure that Delgado Community College is and remains a drug-free environment.

A. In an effort to assure compliance with Public Law 101-226, all facilities of Delgado Community College are designated as Drug Free Zones. It is unlawful to produce, manufacture, distribute, dispense, or possess illegal drugs on Delgado property, within two thousand feet of any such property, or at any college-sponsored event, whether or not the event occurs on campus, or while on a school bus. The College abides by all state, federal, and local laws pertaining to alcohol and will enforce underage drinking laws. In addition, Delgado prohibits the consumption, possession, or distribution of alcohol on campus, except as designated in the College's Alcoholic Beverages at Student Functions policy.

B. In accordance with LCTCS Policy #6.030, Drug Free Workplace, employees are prohibited from the unlawful use, abuse, manufacture, distribution, dispensation, or being under the influence of a controlled or illegal substance or undisclosed controlled prescription medication while at work, on call, on duty, on any facility of Delgado Community College or engaged in College business. Employees who violate this policy will submit to drug testing when properly ordered to do so in accordance with the College's Employee Drug Testing policy, and will be subject to disciplinary action up to and including termination of employment.

Employee alcohol misuse is prohibited extending to 1) use of alcohol on the job; 2) use of alcohol during the four hours before performance of safety-sensitive and security –sensitive functions; and 3) having a prohibited alcohol concentration level in the individual's blood system while on the job.

The use of drugs/medications prescribed by a licensed physician is permitted provided that it will not affect the employee's performance. The College reserves the right to have a licensed physician of its own choice determine if the use of a prescription drug/medication produces effects that may impair the employee's performance or increase the risk of injury to the employee or others. If such is the case the College reserves the right to suspend the work activity of the employee during the period in which the employee's ability to safely perform his/her job may be adversely affected by the consumption of such medication.

In accordance with LCTCS Policy #6.030 Drug Free Workplace, the College's Employee Drug Testing policy, the College reserves the right to require drug and alcohol screening for pre-employment, re-employment, continued employment or reinstatement, as well as disclosure of the medically required need to take certain prescribed medications or over-the-counter medications.

B. Any employee or student convicted of a criminal drug statute violation is required to notify the Office of Human Resources (faculty and staff) or the Office of Student Financial Assistance (students) of the conviction. (Students not on financial aid must notify the Vice Chancellor for Student Affairs.) If an employee or student is alleged with, but not yet convicted, of a criminal drug statute violation on the College's premises or at an off-campus College function, he/she must also notify the appropriate College officer listed above. Notification must be made within five (5) working days following the conviction/allegation.

C. The Chief Human Resources Officer, the Director of Student Financial Assistance, or the Vice Chancellor for Student Affairs immediately notifies the Chancellor of any drug conviction/allegation reported.

D. Any employee or student convicted of a criminal drug statute violation must refer himself/herself to an approved drug assistance or rehabilitation program. Notifications of the date of entry and the date of successful completion of such program should be made to the Human Resources Office, Office of Student Financial Assistance, or the office of the Vice Chancellor for Student Affairs, as appropriate. In such circumstances, failure or refusal of an employee or student to undergo professional counseling is grounds for corrective action, which could include suspension and/or dismissal.

E. Delgado Community College will periodically provide training and information materials and workshops regarding the dangers of drug use and abuse.

4. **Responsibilities**

A. Each Delgado employee:

(1) Is required to report for duty in a condition that maximizes his ability to perform assigned tasks in a competent and safe manner. Reporting to work impaired from the use of alcohol or drugs is prohibited.

(2) Adheres to all standards of behavior contained in this memorandum.

(3) Reports incidents of alleged substance abuse to the Delgado Campus Police in accordance with the College's Accident/Incident Reporting Route.

(4) If convicted of a criminal drug statute violation or if alleged with violating a criminal drug statute on the College's premises or at an off-campus College function, notifies the Human Resources Office within five (5) working days following the conviction/allegation. If conviction is for drug abuse, obtains approved professional treatment and/or counseling.

B. Each Delgado student:

(1) Adheres to the standards of behavior contained in this memorandum.

(2) Reports incidents of alleged substance abuse to the Delgado Campus Police in accordance with the College's Accident/Incident Reporting Route.

(3) If convicted of a criminal drug statute violation or if alleged with violating a criminal drug statute on the College's premises or at an off-campus College function, notifies the Office of Financial Assistance within five (5) working days following the conviction/allegation. (Students not on financial aid must notify the Vice Chancellor for Student Affairs.) If conviction is for drug abuse, obtains approved professional treatment and/or counseling.

C. The Chief Human Resources Officer or the Vice Chancellor for Student Affairs immediately notifies the Chancellor if an employee or student is convicted of violating a criminal drug statute or alleged with violating a criminal drug statue on the College's premises or at an off-campus College function.

5. College and Legal Sanctions

A. College Sanctions

Violations of the Drug Free College policy by faculty or staff can take the form of a written reprimand, suspension, demotion, reduction in pay, or termination of the person's association with Delgado. Disciplinary actions against students, which may include suspension or expulsion, are imposed in accordance with the College's Student Code of Conduct, and may include suspension or expulsion.

B. Legal Sanctions

As with all illegal activities, substance abuse can result in criminal prosecution as well, under state and federal laws, including section 22 of the *Drug Free Schools and Campuses* Act Amendment of 1989 (Public Law of 101- 226). It is unlawful in Louisiana to produce, manufacture, distribute, dispense, or possess illegal drugs. Illegal drugs in the College's drug free zone include, but are not limited to, marijuana, opium derivatives, hallucinogens, depressants, cocaine, cocaine derivatives, and amphetamines.

Prescription drugs are not considered illegal drugs on college campuses/sites. However, a prescription or recommendation for medical marijuana does not negate the college's obligation to comply with the Drug Free Schools and Communities Act. This federal legislation still classifies marijuana as an illegal drug, and the College's federal funding mandates that we comply with the law prohibiting the possession, use, or distribution of drugs—even if that drug is approved for medicinal purposes. Of additional note, the EEOC has held that medical marijuana is not a permitted accommodation under federal law. As such, a student's use of the drug is not an allowable ADA accommodation.

The Criminal Code of Louisiana carries specific penalties for the possession and use of illegal drugs. Louisiana Revised Statute 40:981.3, *Violation of Uniform Controlled Dangerous Substances Law; Drug Free Zone*, states that any person who violates a provision of the Uniform Controlled Dangerous Substances Law (Louisiana Revised Statute 40:966-970) while on any property used for school purposes by any school or at any school-sponsored event, within two thousand feet of any such property, or while on a school bus, shall, upon conviction, be punished by the imposition of the maximum fine and be imprisoned for not more than one and one-half times the longest term of imprisonment authorized by the applicable provisions of R.S. 40:966 through 970 of the Uniform Controlled Dangerous Substances Law.

Act 305 of the 2026 Legislative Session amended La. R.S. 40:981.3, Louisiana's drug free zone statute, and enacted a new Subsection E. A person who violates that Section by an act that also violates La. R.S. 40:966(C)(2), the marijuana possession statute, "shall be punished by imprisonment, with or without hard labor, for not more than one year and may, in addition, be required to pay a fine of not more than one thousand dollars." Act 305 also enacted Paragraph (A)(4), which extends the statute to a person who commits such a violation "while smoking, vaping, or otherwise abusing such controlled dangerous substance" on or within two thousand feet of school property.

It is also unlawful in Louisiana for anyone under 21 years of age to purchase or possess any alcoholic beverages for any reason, in any place open to the public. Exceptions occur when the alcohol is possessed or consumed for the following reasons: for established religious purposes; for medical purposes when prescribed by a licensed authority; when an 18-20-year-old is accompanied by a parent, spouse, or legal guardian at least 21 years of age; in private residences or private clubs or establishments when lawfully employed by a licensed enterprise for the lawful sale, handling, transport or dispensing of alcoholic beverages. In accordance with Louisiana Revised Statute 14:98, *Operating a Vehicle While Intoxicated*, driving under the influence of alcohol is illegal in Louisiana, and anyone with a blood alcohol level of .08 or above will be charged with driving while intoxicated (DWI) or driving under the influence (DUI).

6. Cancellation

This policy and procedures memorandum cancels SF-2530.1A, *Policy on Substance Abuse*, dated September 25, 2023.

Policy Reference:

Delgado Policy and Procedures Memorandum *Student Code of Conduct*
Delgado Policy and Procedures Memorandum *Alcoholic Beverages at Student Functions*
Delgado Policy and Procedures Memorandum *Employee Drug Testing*
Louisiana Community and Technical College System Policy #6.030, *Drug Free Workplace*
Drug Free Schools and Campuses Act Amendment of 1989 (Public Law 101-226)
Drug Free Workplace Act of 1988
Criminal Code of Louisiana
Louisiana Revised Statute 40:981.3, *Violation of Uniform Controlled Dangerous Substances Law; Drug Free Zone*
Louisiana Revised Statute 40:966-970, *Uniform Controlled Dangerous Substances Law*
Louisiana Revised Statute 14:98, *Operating a Vehicle While Intoxicated*

Review Process:

Special Needs and Health Services Committee 4/7/97
Student Government Council 10/17/97
Student Affairs Council 10/22/97
Executive Council 11/18/97
Vice Chancellor for Business and Administrative Affairs Title Updates Approval 5/1/05
Vice Chancellor for Business and Administrative Affairs Title Updates Approval 7/6/10
Vice Chancellor for Business and Administrative Affairs Title Updates Approval 2/29/12
Vice Chancellor for Business and Administrative Affairs Procedural Update 11/3/17
Vice Chancellor for Business and Administrative Affairs/ Vice Chancellor for Academic and Student Affairs Procedural Update Approval 9/25/23
Vice Chancellor for Business and Administrative Affairs 10/2/26

Distribution: Electronic Distribution Via College's Website