



Ohio Administrative Code

Rule 3357:15-14-12 Drug and alcohol abuse and Drug-Free Workplace Act compliance.

Effective: January 31, 2018

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The college considers the use of any illegal drug or controlled substance and the abuse of alcohol and legal (prescription or over-the-counter) drugs, collectively referred to herein as "substance abuse," to be a very serious matter that cannot be tolerated in the workplace. Substance abuse poses health and safety hazards to employees and to the community at large. Because the college is a responsible source and participant with the federal government in many programs and activities, substance abuse by college employees jeopardizes federal government funding in light of the federal government's increasing efforts to combat substance abuse. Therefore, it shall be the policy of the college to prohibit substance abuse and to maintain a drug-free workplace.

All employees are notified that the manufacture, distribution, dispensing, possession, use, or being under the influence of any drug, synthetic substance, or controlled substance, or alcohol, is prohibited on all college property and in any other location where employees are conducting college business. The use of legal drugs, taken in accordance with a doctor's orders, is not subject to this policy, except as provided below, and is permitted on the job so long as it does not impair the employee's ability to perform any essential function of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Likewise, the moderate, i.e., so as not to become intoxicated, and legal consumption of alcohol at officially sanctioned on-campus social functions in which college employees might participate is not subject to this policy. The use and possession of marijuana is prohibited under college policy and a crime under federal law. This prohibition applies even when the possession and use would be legal under the laws of the state of Ohio. Employees with written recommendations for medical marijuana are not permitted to use marijuana on campus, in the conduct of college business, or as related to any college activity. The college will refer to the corrective action and discipline procedure (policy 3357.09:15-14-18) of the Administrative Code for appropriate disciplinary interventions.

All Stark state college employees are expected to abide by the terms of the drug and alcohol abuse



and drug-free workplace act compliance policy. The college will refer to the corrective action and discipline procedure (policy 3357.09:15-14-18) of the Administrative Code for appropriate disciplinary interventions. An employee found in violation of this policy shall be subject to a variety of sanctions and penalties. Such penalties and sanctions may include but are not limited to referral for counseling, written or oral reprimands, suspensions with or without pay, or termination in accordance with the established rights of the employee, including the right to due process.

Definitions--For purposes of this policy statement, the following definitions shall apply:

(A) Manufacture: to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis, compounding, or any combination of the same including packaging, repackaging, labeling, and other activities incident to production.

(B) Distribute: to deal in, ship, transport, or deliver.

(C) Dispense: to sell, leave with, give away, dispose of, or deliver.

(D) Possess or possession: having as property or exerting control over a thing or substance. Possession will not be presumed solely from mere access to the thing or substance or presence upon the premises where the thing or substance is found.

(E) Use: use of a drug or other controlled substance or consumption of alcohol.

(F) Being under the influence: to yield a positive result, as defined by the state of Ohio or other generally accepted standard, on any test given to determine the presence of drugs or alcohol.

(G) Drug abuse offense: corrupting another with drugs, trafficking in drugs, drug abuse, possessing drug abuse instruments, permitting drug abuse, theft of drugs, deception to obtain a dangerous drug, illegal processing of drug documents, abusing harmful intoxicants, trafficking harmful intoxicants, or illegal dispensing of drug samples; a violation of an existing law of this or any other state or of the United States that is substantially equivalent to any of the above offenses; an offense under an existing law of this or any other state or of the United States of which planting, cultivating,



harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element; or a conspiracy or an attempt to commit, or complicity in committing or attempting to commit any of the offenses listed in this paragraph.

(H) Controlled substance: a drug, compound, mixture, preparation, or other substance as defined in Chapters 2925. and 3719. of the Revised Code, or as defined by applicable statutes of other states and the federal government.

(I) Criminal drug statute: any federal or state criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

(J) Conviction: any finding of guilt after a trial, a plea of guilty or a plea of nolo contendere.