



## Drug Free Workplace Policy

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### Purpose and Scope of Policy

Harvey Mudd College ("HMC" or "College") is committed to providing a safe, healthy and productive work environment. Consistent with this commitment, and its obligations under applicable law, this policy establishes the College's intent to maintain a drug and alcohol-free work environment. All employees of HMC, including faculty, staff and student employees, must comply with this policy as a condition of employment. Persons who are not employees of the College but who perform work at the College for its benefit (such as contractors and their employees, temporary employees provided by agencies, visitors engaged in joint projects, volunteers, etc.) are also required to comply with this policy.

### Prohibitions

HMC prohibits the unlawful: manufacture, possession, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase and/or use of drugs (including marijuana<sup>1</sup>) or alcohol on HMC owned or controlled property, at HMC sponsored/sanctioned activities and events; and while employees or other persons as described above conduct or perform HMC-related business, regardless of location. In addition, employees shall not report for work or work under the influence of any drug or alcohol or other substance which will impair work performance, alertness, coordination or response, or affect the safety of others.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisors and/or the Human Resources Office if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. *[For more information on how to request a reasonable accommodation, please contact HMC's Human Resources Office.]*

This policy does not prohibit the use or consumption of alcohol at HMC sponsored activities or events where alcohol is served, or at social, business or professional events attended by HMC employees while performing work for or in their capacity as HMC employees. However, employees who choose to consume alcohol at such events must do so responsibly, they must conduct themselves properly and professionally at all times, and they must abide by all state and federal laws related to alcoholic beverages, including laws which prohibit the operation of vehicles while under the influence.

### Reporting Obligations

In accordance with the Drug-Free Workplace Act of 1988, any employee who is convicted (including a plea of nolo contendere [no contest]) of a criminal drug statute violation occurring in the workplace must, within five (5) days after the conviction, notify HMC of such conviction by informing the Assistant Vice President for Human Resources, Vice President and Dean of the Faculty or the Vice President for Administration and Finance/Treasurer.

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<sup>1</sup> Consistent with federal law and the provisions of the California Adult Use of Marijuana Act, Proposition 64, HMC does not permit the use, consumption, possession, transfer, display, sale or growth of marijuana on HMC owned or controlled property (including but not limited to residence halls, academic buildings, athletic facilities, and parking lots), or during HMC-sanctioned activity or events regardless of the location. This is true even if the use of marijuana is for medicinal purposes authorized and permitted under the California Compassionate Use Act, Proposition 215.

If required, appropriate government agencies will be notified within ten (10) days after HMC has been informed of such a conviction.

### **Health Risks**

The consumption of drugs and alcohol can have significant negative effects on health.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. High doses of alcohol may cause respiratory depression and death. Repeated use of alcohol can lead to dependence, and cause serious damage to the nervous and circulatory systems, mental disorders, and other health problems.

Drugs and alcohol are chemicals, and any chemical is potentially harmful. Drugs by their very nature cause reactions in the body. Possible effects from non-therapeutic drug use include: convulsions, memory loss, psychosis, anxiety, delusions, hallucinations, and even death.

All drugs are toxic and poisonous when abused. Health risks of drug abuse include, but are not limited to, sleep disorders, confusion, hallucinations, paranoia, depression, malnutrition, liver and kidney damage, cardiac irregularities, hepatitis and neurological damage. HIV infection associated with intravenous drug use is a prevalent hazard.

Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties. Consumption of alcohol by women during pregnancy may lead to fetal alcohol syndrome.

*[Information about health risks associated with drug and alcohol use and substance abuse is available from the National Institute on Drug Abuse at <http://www.drugabuse.gov/drugs-abuse> and the Centers for Disease Control and Prevention at <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.]*

### **Local, State and Federal Legal Sanctions**

Local, state and federal laws establish severe penalties for unlawful possession or distribution of illegal drugs and alcohol. These sanctions, upon conviction, may range from a fine to life imprisonment. In the case of possession and distribution of illegal drugs, these sanctions could include seizure and summary forfeiture of property, including vehicles. It is especially important to know that federal penalties for illegally distributing drugs include life imprisonment and fines in excess of \$1 million.

The following is a brief summary of some of the state and federal criminal sanctions that may be imposed upon someone who violates the alcohol and other drug policy at HMC or elsewhere in the state of California.

- A violation of California law for the unlawful sale of alcohol may include imprisonment in the county jail for six months, plus fines and penalties.
- A violation of California law for the possession, use and/or sale of narcotics, marijuana and/or other illicit drugs includes imprisonment in the county jail or state prison for one to nine years, plus fines up to \$100,000 for each count.
- A violation of federal law for the possession, use and/or sale of narcotics, marijuana and/or other illicit drugs may include imprisonment in the federal penitentiary for one to fifteen years plus substantial financial penalties.
- A violation of the law involving an individual being under the influence of a combination of alcohol and other

drugs (itself potentially deadly), may result in an increase in criminal sanctions and penalties.

### **Available Resources, Education and Assistance**

The College recognizes drug and alcohol abuse as treatable conditions. Employees who are concerned about problems related to substance use, abuse and rehabilitation should be aware that The Claremont Colleges sponsor and present seminars and workshops on these topics, from time to time, for all members of the College community. Other programs are available through the health insurance plans and the Employee Assistance Program (EAP) of The Claremont Colleges.

Of particular note is the EAP which provides counseling and other services for qualified employees with substance abuse and other personal or emotional problems. The EAP will treat information obtained regarding an employee during participation in such programs or services as confidential, in accordance with federal and state laws. The College will not use an employee's voluntary participation in an EAP program as a basis for corrective action. An employee may also request a leave of absence to obtain treatment for substance abuse, with documentation from a licensed health care provider providing that such treatment is required and undertaken. The granting and returning from medical leaves is subject to applicable HMC personnel policies.

The Human Resources Department can also provide referral services for confidential, professional counseling, providing a constructive way for employees to voluntarily deal with drug or alcohol related and other problems. Employees who are also students should seek assistance for similar problems through the Student Health Center, Monsour Counseling Center or the Dean of Students' office.

### **Sanctions**

Harvey Mudd College will impose sanctions on individuals and/or organizations that violate this policy. These sanctions will be consistently enforced and penalties will depend upon the severity of the offense. Penalties may include termination from employment and referral for prosecution of the most serious violations of law and this policy. For example, an employee found to be selling illegal drugs will be subject to discipline up to and including discharge from employment. Disciplinary action may be invoked entirely apart from any civil or criminal penalties that may apply to the employee or organization.

Reviewed and approved by HMC President's Cabinet:

November 2016  
April 15, 2014  
September 19, 2012  
September 3, 2010  
February 6, 2008  
January 31, 2006  
March 29, 2004  
August 28, 2002  
June 6, 2000  
August 20, 1998  
March 26, 1996  
May 10, 1994  
August 3, 1992