



DRUG and ALCOHOL ABUSE POLICY

U.S. Department of Education
Statute – HEA
34 CFR Part 86 (Drug-Free Schools & Communities)

Drug and Alcohol Abuse Prevention

- Institutions must certify that they have adopted/implemented a program to prevent drug and alcohol abuse, and must:
- Distribute certain information to students and employees annually (34 CFR §86.100);
- Conduct a biennial review of the program to determine effectiveness, needed changes, and whether disciplinary sanctions are consistently enforced;
- Provide review results upon request;
- Provide standards of conduct that clearly prohibit the unlawful possession, use, distribution of drugs and alcohol;
- Provide description of sanctions under state, local, and Federal law;
- Provide description of available drug or alcohol counseling, treatment, or rehabilitation programs;
- Provide description of health risks associated with the use of illicit drugs and alcohol; and
- Provide clear statement that institution will impose sanctions on students and employees for violations of the standards of conduct and a description of sanctions

Palau Community College
Personnel Rules & Regulations
Revision: October 2005
Page 59 – 61

20.0 Drug-Free Workplace

20.1 Policy Statement:

A drug-free workplace is essential to Palau Community College. Accordingly, the President shall establish regulations consistent with the Drug-Free Workplace Act of 1988, hereafter referred to as “the Act”, regarding the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace. The regulations shall address the need to: (20.1.1; 20.1.2; 20.1.3; 20.1.4; 20.1.5)

20.2 Administrative Regulation: (20.2.1; 20.2.2; 20.2.3; 20.2.4; 20.2.5)

PCC Student Code of Conduct and Sanction

I. Disruptive Behavior

B. Interference with the College Processes

3. Abuse of Controlled Substances

- a. Consumption, possession or storage of alcoholic beverages is absolutely prohibited on college campus, facilities or college sponsored events off campus, except as expressly authorized in writing

by a college official. Students are also expected to know and abide by National and State laws governing the use of alcoholic beverages.

- b. The use, possession, manufacturing, distributing, selling, or being under the influence of illicit drugs is absolutely prohibited without exception. Students are also expected to know and abide by National and State laws governing the prohibition of illegal drugs. Reasonable suspicion of possession or use of illegal drugs on campus may subject the student involved to investigation by college officials and the Public Safety Narcotic Division.
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Drug and Alcohol Abuse Policy

Policy Description

Palau Community College has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for safe, healthy, and efficient operations. Palau Community College has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the college's property, information, equipment, operations and reputation. Palau Community College recognizes its obligations to its constituents for the provision of services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug- and alcohol-free services. Palau Community College further expresses its intent through this policy to comply with the United States and the Republic of Palau rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol. As a condition of employment, all employees are required to abide by the terms of this policy and to notify Palau Community College's management of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

Drug and Alcohol Abuse Prevention Program (Employees)

1. Palau Community College Human Resource Division through annual general assembly educates all employees of the Drug-Free Workplace Policy. A hard copy of this policy is provided to all employees. This policy is one of the required documents within a new employee packet.
2. The Drug-Free Workplace Policy education continues through the college website and other college publications, such as: general catalog, personnel rules and regulations; and student handbook.
3. Supervisors and other management personnel are to be trained in:
 - a. Detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
 - b. Intervening in situations that may involve violations of this policy;
 - c. Recognizing the above activities as a direct job responsibility.
4. Employees are to be informed of:
 - a. The health and safety dangers associated with drug and alcohol use;
 - b. The provisions of this policy.



Provisions

1. Any employee who possesses, distributes, sells, attempts to sell, or transfer illegal drugs on Palau Community College premises or while on Palau Community College business will be discharged.
2. Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline up to and including discharge.
3. Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline up to and including discharge.
4. Palau Community College through its approved agency may perform drug and alcohol testing at the employees expense:
 - a. Of any employee with reasonable suspicion (probable cause) such as: employee's performance is being impaired as a result of substance abuse which may occur either on or off the campus, employee's visible impairment on the workplace, an objective evaluation of an employee's declining productivity, quality of performance or attendance, a work-related accident or injury, following an unsafe act, unexplainable behavior by an employee, and other objective signals;
 - b. Of any employee who is involved in an accident that results or could result in the filing of a Worker's Compensation claim;
 - c. Of any employee who is subject to drug or alcohol testing in compliant to his/her disciplinary action.
5. Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or alcohol will be subject to discipline up to and including discharge except that, depending on the circumstance of the case and the employee involved, the employee may be offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by Palau Community College.

Appeal of a Drug and/or Alcohol Disciplinary Action

1. An employee will be offered the opportunity to submit in writing his/her appeal reasons addressed to the President of the college with a copy made available to the Director of Human Resource Division;
2. An employee will be offered the opportunity of a meeting to further discuss the appeal reasons in person;
3. An employee may be required to obtain a drug and/or alcohol written test result at his/her own expense and submit the result to Palau Community College Human Resource Division;
4. An employee who is suspended during the process of an appeal will be permitted to use any available annual leave in order to remain in an active pay status;
5. An employee's appeal does not guarantee the employee's continued employment with Palau Community College.
6. Employee Discipline under (PCC Personnel Rules and Regulations, Revision: October 2005, pages 48 – 51, 14.0 – 14.9)



Educational Awareness Program (students)

Educational Awareness Program is provided to students through the New Student Orientation, Male and Female Retreats, SS100 course – Introduction to College, Tuesday Night Program, and student organization meetings, New Residents Orientation as well as the Student Handbook.

Student Code of Conduct and Sanction

II. DISCIPLINARY SANCTIONS

One or more of the following sanctions may be imposed whenever a student is found to have violated any of the rules, regulations, or policies of the College contained in the Student Code of Conduct:

1. **Warning** - A warning constitutes administrative action that informs the student in writing that he/she has violated the Student Code and that a record will be kept in the Office of the Dean of Students for a specified period of time. A student who is on a warning and violates the Student Code again, will be subject to more serious and formal disciplinary action.
2. **Probation** - Probation constitutes administrative action that informs the student in writing that he/she has violated the Student Code and that a record will be kept in the Office of the Dean of Students for a specified period of time. Probation status may also include exclusion from classes, service facilities, recreational activities and other privileges for a specified period of time. Student behavior is expected to be exemplary during the probation period. Any further violations may be cause for more serious disciplinary action including the possibility of referral to the Student Review Board.
3. **Restitution** - Restitution constitutes reimbursement for damage to, or misappropriation of, College or personal property. Forms of compensation may include direct financial settlement, college community service work or other forms of indirect compensation acceptable to the Dean of Students. Depending on the nature and severity of the violation, other forms of sanction may be imposed.
4. **Suspension** - Suspension is the temporary loss of student status, or the student housing privilege, or other privileges, or access to the campus itself for a specified period of time. The Dean of Students will impose this sanction only after the Student Review Board hearing, unless the situation is an emergency which requires an immediate decision of temporary suspension. A temporary suspension may be renewed by the Dean of Students if it is determined that the emergency situation continues to exist. Consideration will be granted so that the student may be allowed to make up for any academic work missed after the determination by the Student Review Board that the student did not violate the Student Code.
5. **Dismissal** – Dismissal is the termination of student status or student housing privilege for an indefinite period of time. The Dean of Students will impose this sanction only after the Student Review Board hearing. However, the Dean of Student may temporarily suspend a student if the Dean believes that an emergency exists which calls for an immediate decision before the Student Review Board hearing. The Dean of Student may reviews the temporary suspension if the Dean determines that the emergency situation continues to exist. If, after the hearing, it is determined that the student did not violate the Student Code, the student may be allowed to make up any academic work missed as a result of the temporary suspension. Readmission, if any, will be granted by the Dean of Students in consultation with appropriate College personnel.



III. PROCESS FOR DEALING WITH VIOLATIONS

In case of violations of the Student Code, the procedures described below are followed.

A. Authority for Disciplining Violators

1. **The Dean of Students:** The Dean of Students will conduct investigations of incidents involving possible violation of the Student Code. Following the Student Review Board hearing or as indicated under “Administrative Disposition” in this Student Code of Conduct & Sanctions, and after consultation with appropriate College personnel, the Dean of Students shall impose sanctions as provided in the Students Code of Conduct & Sanctions. The severity of such sanctions shall be in proportion to the seriousness of the violation committed.
2. **The Vice President of Education & Training:** The Vice President of Education & Training shall hear appeals of disciplinary sanctions prescribed for violations of the Student Code, either following the Student Review Board hearing or as indicated under “Administrative Disposition” contained in the Student Code of Conduct & Sanctions. The Vice President may also take appropriate action with respect to situations and developments not specifically covered by the Student Code of Conduct & Sanctions.
3. **The Student Review Board:** The Student Review Board (SRB) has jurisdiction and authority to conduct hearings to determine cause and recommend sanctions for all cases referred to it by the Dean of Students, which involve behavior alleged to violate the Student Code of Conduct. If the Student Review Board finds cause for disciplinary action, the Board may recommend one or more of the sanctions provided for in the Student Code of Conduct & Sanctions. All hearings of the Student Review Board are governed by the following:
 - a. The Student Review Board is an adhoc committee that reports directly to the President and shall represent the students’ interests in matters concerning their education, rights and responsibilities as students at PCC. The SRB members shall be comprised of five (5) members that include staff, faculty and student representatives and will be appointed each time as needed by the President. The Director of Student Life will serve as a permanent member/chair of the SRB.
 - b. When the Board determines there is a need, legal assistance may be requested from the Board of Trustees legal counsel to advise the Student Review Board.
 - c. A tape recorder for use at hearings shall be made available to the Student Review Board by the Dean of Students.
 - d. If any member of the Student Review Board feels that his/her relationship with either the case or the individual involved may affect his/her ability to render an impartial judgment, that member shall disqualify him/her from the hearing.

B. Preliminary Process

1. **Administrative Disposition -** The Dean of Students and/or the Vice President of the Education & Training Department may use the sanction noted in the Student Code of Conduct & Sanctions to respond to behavioral problems with serious implications while providing the student with the opportunity for personal development. In all cases where a student is facing serious disciplinary action, there will be systematic communication and consultation with the appropriate managers, advisor, and dean.
 - a. Upon determination by the Dean of Students that an emergency exists, the Dean is authorized to suspend temporarily a student for a maximum of twelve (12) school days prior to a hearing.



- b. If, after a Student Review Board hearing, it is determined that the student did not violate the Student Code of Conduct, consideration will be granted so that the student may, within the constraints of the instructional setting, be allowed to make up any academic work missed.
2. The Investigation - Initial complaints of infractions of the Student Code of Conduct must be reported either verbally or in writing to the Dean of Students. The appropriate managers, advisor, and dean must be informed of the complaint. Within five (5) school days, the Dean of Students shall contact the student named in the complaint to arrange a conference to discuss the alleged misconduct, possible charges, and sanctions. The student shall be informed that he or she is under no obligation to admit that the complaint is true or to make any other statement to any member of the College community.

The Dean of Students may determine that the evidence does not support a finding of a violation against the student. If such a determination is made, all charges against the student shall be dropped.

If the Dean of Students determines that the student has violated the Student Code of Conduct, the Dean shall consult with the appropriate college personnel and attempt to resolve the matter by consultation, mediation or imposing a lesser sanction.

- In the event that the Dean of Students determines that a disciplinary hearing before the Student Review Board is necessary, the appropriate college personnel will be informed of the decision to hold a hearing. The student involved and other appropriate individuals must then be informed, and the Dean of Students shall forward the case in writing to the Student Review Board.

C. Disciplinary Hearing

1. Issuance of Hearing Notice - A charged student shall be sent written notice of a hearing by certified mail or by handing the student a copy of the notice by the Student Review Board Chairperson or his/her designee, at least five (5) calendar days prior to the date of hearing. The notice shall invite the student to contact the Dean of Students regarding the charges and other relevant issues and facts. In addition, the notice of hearing shall include the following:
 - The date, time, and place of the hearing
 - The particular sections of the Student Code of Conduct which are pertinent
 - A statement of the issues involved and the facts alleged in support of the charges
 - A statement informing the student of his/her right to inspect his/her case file
2. Hearing Procedures - As a general rule, Student Review Board hearings will usually not be scheduled during the last two weeks of each semester or summer because of study periods and final exam schedules. Therefore, during these periods, a hearing may be postponed and held during the semester breaks, but not the beginning of the following semester or summer session. Hearings shall be conducted in such a manner as to accord fairness to all parties.

Having determined through a preliminary investigation that there is reason to believe that the student has committed a violation of the Student Code of Conduct, the Dean of Students, or his/her alternate, shall present the case against the student.

- a. The student and/or his/her advisor or any staff of the student's choice, the Dean of Students or his/her alternate, and the complainant shall be afforded the opportunity to present evidence and argument on all issues involved.



- b. Any procedure in a disciplinary hearing may be modified or waived by mutual agreement between the student and the Dean of Students subject to the approval of the Student Review Board.
- c. The following process shall apply in all hearings before the Student Review Board:
 - Unless otherwise determined by the Student Review Board, information shall be submitted or presented in the following order: information submitted in support of the charges, information submitted by the student, rebuttal information in support of the charges, rebuttal information submitted by the student and closing statements.
 - Members of the Student Review Board may ask questions of any participant in the hearing. The student or the student advisor, and the Dean of Students or his/her alternate may ask questions of the Board.
 - No matters outside the record of the charge before the Student Review Board shall be considered by the Board in making its findings.

Both the student and the Dean of Students or his/her alternate are expected to be present at the hearing. If the student is not present at the hearing, the Student Review Board will proceed to conduct the hearing if its members are satisfied that the student has been given sufficient notice of the hearing. Then, whether or not the student is present for the hearing, the Board will hear the evidence, consider the facts and render its findings and recommendations.

- All hearings shall be closed unless the student requests that the hearing be open.
 - In hearings involving more than one student in which one or more of the charged students request a separate hearing, separate hearings shall be permitted.
 - The Student Review Board may adopt any further rules or make any further regulations necessary for a fair and impartial hearing provided such rules and regulations are not inconsistent with the provisions of the Student Code of Conduct & Sanctions.
- e. Records - For the purpose of supporting the findings and recommendations of the Student Review Board, a record of all hearings shall be maintained in the Office of the Dean of Students. The record shall include the following:
 1. All pre-hearing statements;
 2. All evidence received or considered;
 3. Proposed findings and recommendations; and
 4. Reports of the Board Chairperson.

The Board may preserve a record of its findings through taped recordings. These recordings shall be the property of the College.

- f. Board Findings & Recommendations - After hearing a case, the Student Review Board shall decide whether the College has reasonable cause to take disciplinary action against the student. The Board shall recommend:
 - “No cause for disciplinary action.” No violation of the Student Code of Conduct has been proven. In this case no sanction may be taken against the student; or
 - “Cause for disciplinary action.” A violation of the Student Code of Conduct has been proven. The Board has the authority to make appropriate findings which will assist the student in understanding his/her rights and responsibilities within the College community. If the Student Review Board finds cause for disciplinary action, the Board may recommend one or more of the sanctions provided for in



the Student Code of Conduct & Sanctions.

Within three (3) school days after the hearing, the Student Review Board shall transmit, in writing, its report to the Dean of Students. At the same time, a copy of the report shall be delivered or posted by certified mail to the student.

g. Consideration of Board Recommendation by the Student and by the Dean of Students:

- Within five (5) school days after receiving the recommendation from the Student Review Board, the Dean of Students will invite the student to review the findings. This review does not entitle the student to a new hearing of his/her case.
- No sanction of the student shall be imposed by the Dean of Students until the Dean has considered the report of the Board as provided below:
 1. Did the Board follow the procedures contained in the Student Code of Conduct?
 2. Was the Board hearing conducted in such a way as to provide the student an adequate opportunity to present his/her defense?
 3. Did the evidence presented at the hearing satisfy the burden of proof?
 4. Is the sanction reasonable in relation to the gravity of the violation?

The student may decline the review by the Dean of Students and the Dean shall proceed to decide the case.

h. Final Decision - Prior to any final decision being made, the Dean of Students shall consult with the appropriate personnel in regard to the case and the recommendations of the Student Review Board.

The Dean of Students may accept, reject, and/or modify the sanction proposed by the Student Review Board.

Within seven (7) school days of the receipt of the report of the Student Review Board, the Dean of Students shall notify the student, by certified mail or hand delivery, the decision regarding the sanction to be taken. The decision of the Dean of Students shall be final and may be appealed only to the Vice President of Education & Training. Copies of the decision shall be transmitted to the appropriate College personnel, chair-person of the Student Review Board, and the complainant.

STUDENT GRIEVANCE and COMPLAINT PROCEDURE

This procedure is followed when a student would like to resolve a grievance or complaint against a faculty member, administrator, or employee of Palau Community College. It is important to note that any complaint against a student or student groups or organizations should be made directly to the Dean of Students. The procedure for dealing with the latter complaint will be made in accordance with the student code of conduct and sanction. At any point in the following procedure, failure by the student to appeal within the time line shall result in the termination of the grievance and the decision, at the level it is stopped.

Step One: Before initiating a formal complaint, the student must, within five (5) days of the action resulted in the grievance discuss the problem with the Counselor. The Counselor should attempt to solve the matter with the student, the faculty, administrator or employee involved. If, within five (5) working days of receipt



of the grievance, the Counselor is unsuccessful in resolving the grievance, the Counselor advises the student of subsequent steps in the Grievance Procedure and within three (3) working days, make arrangements for procedures to Step Two if requested by the student.

Step Two: The Student and Counselor shall meet with the instructor/employee supervisor to attempt to solve the grievance within five (5) working days of the receipt of the Step Two grievance. If the grievance is not resolve within this period or is declined, then the student may, through written request, proceed within three (3) working days to Step Three.

Step Three: The students and counselor shall meet with the Dean of Academic Affairs if the grievance involves instructional matters. If the grievance does not involve matters within the responsibility of the Academic Dean, the grievance shall be taken to Step Four of this procedure. If the grievance involves matters within the responsibility of Academic Dean, but could not be resolved or is declined by the Dean within five (5) working days of receipt of the grievance, the grievance is then taken to Step Four.

Step Four: The student and counselor shall meet with the Dean of Students. The Dean, in writing, may decline to intervene and state the grounds for declining or shall render a decision within three (3) working days of the receipt of the grievance. If unsatisfied with the decision at this step, the student may, through written request, proceed within three (3) working days to Step Five of the procedure.

Step Five: The Dean of Students shall, within two (2) working days, notify the President of the Step Five grievance and shall, within five (5) working days, convene the Student Review Board (SRB), who shall, within ten (10) working days, present the President with its recommendations. The President shall, within two (2) working days of the receipt of the SRB recommendation issue final decision on the grievance. The Student Review Board comprised of five (5) members that includes staff, faculty and student representatives will be appointed each time as needed by the President. The Director of Student Life will serve as a permanent member of the SRB. The SRB shall serve as an ad hoc body which will be disbanded after conclusion of a hearing.

