



2023 Mitchell Technical College Drug and Alcohol Abuse Prevention Program (DAAPP)

Published September 29, 2023

Introduction

The Drug-Free Schools and Communities Act of 1989 (Public Law 101-226, 20 U.S.C. § 1011i), and its implementing regulations (34 C.F.R. Part 86), requires that an institution of higher education that receives Federal funding certify to the Secretary of Education that it has adopted and implemented a drug and alcohol abuse prevention program (DAAPP) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities. The DAAPP must be communicated annually, in writing, to all students enrolled in any course(s) for which academic credit will be awarded as well as to all employees.

Drug and Alcohol Abuse Prevention Program (DAAPP)

Mitchell Technical College has adopted and implemented a Drug and Alcohol Abuse Prevention Program (DAAPP) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities. The DAAPP as well as other drug and alcohol awareness information is provided to all members of the College community through the Center for Student Success and Office of the Vice President for Operations and Human Resources. Employees and students may contact the Vice President for Operations and Human Resources or Director of Student Success for additional information on the risks involved with the misuse of drugs and alcohol and services available for assistance.

The Center for Student Success coordinates educational programming to raise awareness throughout the year including the following:

- Presented information on behalf of the Mitchell Department of Safety at New Student Orientation regarding the topics of drug and alcohol use.
- Distribution and review of Mitchell Tech drug and alcohol policies during Student Success course.
- Inclusion of drug and alcohol education content in the Student Success curriculum.
- Provision of individualized programming, education, or intervention as needed or requested.
- Some MTC programs have zero-tolerance policies for drug and alcohol use. Beginning with the recruitment process, students in these programs are informed of drug testing requirements and the consequences of violating the policy.
- The Director of Student Success sends a notification with MTC's DAAPP to all students via emails in October of the Fall semester and again in January of the Spring semester, thus assuring that all students who enroll for credit at MTC will receive the notification.
- MTC's drug and alcohol policies are also posted on the MTC website along with the DAAPP at <https://www.mitchelltech.edu/about/board-policies>.

Mitchell Tech publishes a biennial report describing drug and alcohol abuse education programs. The biennial review and supporting documents are available to any interested party upon request to the Vice President for Operations and Human Resources.

Disclosure of DAAPP

Students

Students receive an annual email notification of MTC's DAAPP. Additionally, they receive information on drug and alcohol policies through the MTC Student Handbook, the Annual

Security Report, MTC policy webpage, and as part of the curriculum of the Student Success class. Students who have knowledge of or receive notification of a drug or alcohol violation by a student or MTC employee while on campus shall immediately report the violation to the Director of Student Success.

Employees

New employees receive a copy of the drug-free workplace policy, the DAAPP, and the Annual Security Report (ASR) at the time of their new employee orientation. All employees are required to review these documents and sign an acknowledgment. An employee or supervisor having knowledge of or having received notification of a violation of the drug-free workplace policy by an employee shall immediately report such violation to the Vice President for Operations and Human Resources or Vice President for Academics. Employees who have knowledge or receive notification of a drug or alcohol violation by a student on campus or in a zero-tolerance program shall immediately report the violation to the Director of Student Success or the Vice President for Operations and Human Resources.

Standards of Conduct

Possession, Use, and Sale of Alcoholic Beverages and Illegal Drugs

Mitchell Tech is committed to a drug-free workplace and learning environment. All students and employees should be familiar with and abide by the Drug Free Workplace Policies ([MTC Policy 113](#) and [MTC Policy 743](#)). Mitchell Tech believes in providing assistance to employees and students with alcohol and other drug concerns while upholding the law. Mitchell Tech will report all criminal alcohol and other drug violations to the appropriate law enforcement agencies and cooperate with state and federal investigations related to these matters.

Neither Mitchell Tech students or employees shall not be involved with the use, possession, or sale of drugs, alcohol, or any controlled substances including cannabis used or possessed for medical purposes in any manner that may impair any person's ability to perform assigned tasks or otherwise adversely impact their behavior. Furthermore, no student shall possess alcoholic beverages and/or the previously mentioned substances in the workplace, classroom, laboratory, vehicle, or at any intramural sports event, class trip, or campus function or consume alcoholic beverages in association with said places during working, classroom, laboratory, or vehicle operating hours or at any time prior to performing safety-sensitive functions which may impair that person's ability to perform their duties.

While South Dakota may permit certain actions regarding marijuana, the use and possession of marijuana whether for medical or recreational purposes, is prohibited under federal law. Federal law classifies marijuana (cannabis) as a Schedule 1 controlled substance and criminalizes the growth or use of marijuana. The use of medical marijuana is also restricted by federal laws such as the Drug-Free Workplace Act and Drug-Free Schools and Communities Act of 1989. Consequently, any use or possession of marijuana (even medically issued) on property or vehicles owned or controlled by Mitchell Technical College or at any event hosted or sponsored by Mitchell Technical College is prohibited.

It is the policy of the Mitchell Tech that the unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of a controlled substance on property of Mitchell Tech as a student or employee of Mitchell Tech while engaged in an activity assigned as part of his/her involvement with Mitchell Tech is prohibited unless said controlled substance is used as prescribed by a doctor. A description of applicable legal sanctions for students is listed in [MTC](#)

[Policy 1035](#). For purposes of this section, a prescription does not include a written certification for use of medical marijuana, pursuant to SDCL 34-20G-1(23). Students who use medical marijuana pursuant to a validly issued written certification when not on property controlled by Mitchell Tech may subsequently report to class or participate in activities as long as such use does not cause impairment or disrupt academic or campus activities.

An employee has a duty to report to work able to perform the duties of their position, notifying the supervisor when they are not able to perform the duties of their position, and notifying their supervisor when they observe a colleague who is not able to perform their duties.

Students and employees may not consume alcoholic beverages on MTC property, during classes, or in connection with activities officially sponsored by MTC except as outlined by MTC Policy 1143 Facility Usage – Use of Alcohol. The following is an excerpt of [MTC Policy 1143 Facility Usage – Use of Alcohol](#):

No possession, use, or distribution of alcohol is permitted on MTC premises controlled by the Board of Education except as provided in this policy. Possession, use or distribution of alcoholic beverages in a lawful manner is permitted on premises controlled by the Board of Education which have been designated by the President of Mitchell Technical College as places where such possession, use and distribution may be granted, subject to such conditions as the president may also prescribe. Alcoholic beverages are not permitted on premises controlled by the Board of Education at any student sponsored program, activity, or event including MTC-recognized clubs and organizations and the Student Representative Board.

Legal Sanctions for Unlawful Possession or Distribution of illicit drugs and Alcohol

Alcohol Offenses

The State of South Dakota sets twenty-one (21) as the minimum age to purchase or possess any alcoholic beverage. A violation of any law or MTC policy regarding alcohol while at the workplace or on campus will be treated as a disciplinary matter by MTC.

Mitchell Tech will report all criminal alcohol violations to appropriate law enforcement agencies and will cooperate with state and federal investigations related to these matters.

Controlled Substance Offenses

Criminal manufacture, distribution, possession, sale or use of drugs is covered in South Dakota Codified Law ([SDCL 22-42](#)) and Federal laws ([21 US Code 841 \(Manufacture & Distribution\)](#), [21 US Code 863 \(Paraphernalia\)](#) , and [21 US Code 844 \(Possession\)](#)). Drugs include all controlled substances, illegal or controlled mood-altering chemicals, all look-alike drugs, all chemicals that release toxic vapors, and any prescription or patent drugs except those medications prescribed by and under the supervision of a licensed physician in a manner consistent with MTC policy. A violation of any law or MTC policy regarding drugs while at the workplace or on campus will be treated as a disciplinary matter by MTC.

Mitchell Tech will report all illegal drug violations to appropriate law enforcement agencies and will cooperate with state and federal investigations related to these matters.

Health Risks Associated with the Use of Illicit Drugs and Abuse of Alcohol

Known Health Risks – As part of the effort to create a drug-free campus, MTC believes the MTC community should be educated about the physical and emotional health hazards the misuse of drugs and alcohol presents. MTC provides information and educational programs on substance abuse throughout the year to students and employees. Listed below are some of the health risks associated with using/abusing alcohol and various drugs.

Please note that the dangers associated with substance abuse are not limited to only the conditions listed below. For additional information see CDC webpage <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm> and the Substance Abuse and Mental Health Services Administration (SAMHSA) <https://www.samhsa.gov/adult-drug-use>.

- Alcohol - Heart and liver damage; brain damage; death from overdose and accidents.
- Marijuana/Hashish - Impaired memory perception, interference with psychological maturation, damage to lungs and heart, psychological dependence
- Cocaine - Intense psychological dependence, sleeplessness and anxiety, nasal passage damage, lung damage, heart damage/heart attack, and death from overdose
- Stimulants - Loss of appetite, hallucinations, paranoia, convulsions, brain damage, cancers of the lung, throat, mouth, death from overdose
- Depressants - Infection, addiction, loss of appetite, death from overdose, nausea, and has severe interaction with alcohol
- Narcotics - Addiction with severe withdrawal symptoms, loss of appetite, death from overdose
- Hallucinogens - Anxiety, depression, impaired memory, emotional breakdown, death from overdose
- Inhalants - Drastic weight loss, brain damage, liver and bone marrow damage, high risk of sudden death

Contact the Vice President for Operations and Human Resources or the Center for Student Success for additional information on the risks involved with the misuse of drugs and alcohol.

Maintenance of Drug-Free Workplace

Good faith efforts on the part of MTC to establish and maintain a drug-free workplace will include providing ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the MTC community as well as implementation and strict enforcement of this policy.

The Vice President for Operations and Human Resources and Director of Student Success or designees will coordinate ongoing drug education and awareness programs guided by the biennial and other drug informational materials and programming as appropriate. Students and employees are expected to avail themselves of these programs and materials. Schedules and locations will be publicized in various media and by individual notification.

Disciplinary Sanctions for Students or Employees

Sanctions for Violation or Non-compliance for Students

Students who violate of MTC's drug and alcohol policies will be responded to in accordance with the seriousness and frequency of the offense. The consequences and sanctions outlined below

do not include legal issues that could result if law enforcement is involved with the violation.

Reasonable Suspicion

Mitchell Tech practices zero tolerance for drug or alcohol use by students and employees while in classrooms, labs, or safety-sensitive areas. When an instructor, supervisor, or administrator observes a student with behavior or an appearance that is characteristic of alcohol or drug use, the student will be required to submit to drug or alcohol testing. The student will be immediately suspended from school until test results are received. Mitchell Tech is responsible for the cost of this test.

Positive Test Results for Students after Reasonable Suspicion

A student with a positive test result will meet with the Director of Student Success or designee to determine disciplinary and treatment options that the student must follow in order to be reinstated into school. Mitchell Tech's intent is to establish a positive environment in which these problems can be addressed locally in a helpful and supportive manner rather than a punitive way.

If a student tests positive for alcohol (0.02 or higher), the student will be removed from classes and taken home. A breath alcohol test administered the following day must be considered negative for alcohol concentration before the student may return to classes. If a student tests positive for alcohol in a subsequent follow-up test, the student will be referred to a substance abuse professional (SAP) and must complete a prescribed treatment plan and follow-up testing in order to remain enrolled in the program at Mitchell Tech. The student can continue to attend classes until such time as they can meet with the SAP as long as they test negative on alcohol tests that will be administered daily. The student is responsible for the cost of the initial referral to an SAP. The student will be responsible for the cost of any follow-up counseling or treatment and any follow-up drug testing.

If a student tests positive for drug use, the student will be immediately suspended from school until Mitchell Tech receives results from the review by the medical review officer. Based on the medical review officer's report of a positive drug test, the student will be required to meet with a substance abuse professional (SAP) to determine the counseling or treatment plan the student must follow to remain enrolled at Mitchell Tech. The student would also be subject to unannounced follow-up testing as determined by the SAP in order to remain in classes. The student is responsible for the cost of the initial referral to an SAP. The student will be responsible for the cost of any follow-up counseling or treatment and any follow-up drug testing. Cannabidiol (CBD) use is not a legitimate medical explanation for a laboratory-confirmed marijuana or tetrahydrocannabinol (THC) positive result. Therefore, Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if the person being tested states he or she only used a CBD product.

All positive tests for drug use (refusal to submit to a test or an altered specimen is considered a positive test result) will be reviewed by a medical review officer who is a licensed physician with knowledge of substance abuse disorders. The medical review officer will interpret and evaluate the results of each test, along with relevant medical information, including possession of a medical marijuana card, about each student, to determine whether or not a positive test resulted. If the result of the test is positive, the medical review officer will also determine if the student was impaired at the time of the test because of drug use. (Students who use medical marijuana pursuant to a validly issued written certification when not on property controlled by the College may subsequently report to class or participate in activities as long as such use

does not cause impairment or disrupt academic or campus activities.) The medical review officer will contact the student whose test is positive or whose test has been altered or refused. Mitchell Tech will also be notified of a positive test result.

Based on the medical review officer's review of a positive drug test, the student will be required to meet with a substance abuse professional (SAP) to determine the counseling or treatment plan the student must follow to remain enrolled at Mitchell Tech. The student would also be subject to unannounced follow-up testing as determined by the SAP in order to remain in classes. The student is responsible for the cost of the initial referral to an SAP. The student will be responsible for the cost of any follow-up counseling, treatment, and drug testing.

When the student has completed the treatment plan as outlined by the substance abuse professional, the student's name will be returned to the selection pool for random drug testing as long as the student remains enrolled in the program.

If the results of a positive drug test are confirmed by a medical review officer and are not the result of medication currently prescribed to the student, the student will be dismissed from any zero-tolerance program which currently includes the Power Line Construction & Maintenance and Electrical Utilities & Substation Technology programs. The zero-tolerance policy is consistent with industry standards and is recommended by industry. For purposes of this section, a prescription does not include a written certification for use of medical marijuana, pursuant to SDCL 34-20G-1(23).

Sanctions for Violation or Non-compliance by Employees

Violations of MTC's drug-free workplace policy by employees will result in disciplinary actions that may include a warning, temporary suspension from duties with or without pay, or termination of employment. Disciplinary actions will be pursued consistent with existing contractual agreements. The nature and extent of these actions depend on a variety of factors, including the severity of any work rule violations, the pattern and frequency of observed substance related problems, past work record, or any other consideration which may be considered relevant by the College. The need for disciplinary action and the appropriate penalty for employees will be handled accordingly by the Vice President for Operations and Human Resources and others as appropriate.

Reasonable Suspicion

Drug or alcohol testing may be conducted when a supervisor or administrator observes impairment, behavior, or actions that indicate the individual is not able to perform the duties of their position. Mitchell Tech is responsible for the cost of this test.

Positive Test Results for Employees after Reasonable Suspicion

All positive tests (refusal to submit to a test or an altered specimen is considered a positive test result) will be reviewed by a medical review officer who is a licensed physician with knowledge of substance abuse disorders. The medical review officer will interpret and evaluate the results of each test, along with relevant medical information about each student or staff member, to determine whether a positive test resulted. The medical review officer will contact the individual whose test is positive or whose test has been altered or refused. ([MTC Policy 743](#))

Drug and Alcohol Counseling, Treatment, Rehabilitation, or Re-Entry Programs Available to Students and Employees

Students are encouraged to contact the Campus Counselors listed below in the Center for Student Success for assistance with drug and alcohol concerns.

- Kellie Nielsen at CC151A, 605.995.7164, or kellie.nielsen@mitchelltech.edu
- Jessica Deinert at CC151E, 605.995.7112, or jessica.deinert@mitchelltech.edu

Employees should contact the Vice President for Operations and Human Resources.

Community resources and confidential third-party counseling services are available at the following local organizations:

Stepping Stones

901 S Miller Ave
Mitchell, SD 57301
605-995-8180

Dakota Counseling Institute

910 W Havens St
Mitchell, SD 57301
605-996-968

211 Helpline Center

www.helplinecenter.org
Phone – 211

AA (Alcoholics Anonymous)

424 E 9th St
Mitchell, SD 57301
605-996-8264

Lutheran Social Services

411 N Duff Ave
Mitchell, SD 57301
800-568-2401

The South Dakota Department of Social Services maintains a statewide list of prevention and treatment programs at <http://dss.sd.gov/behavioralhealth/community/treatmentservices.aspx>.