

Keweenaw Bay Ojibwa Community College



DRUG AND ALCOHOL ABUSE PREVENTION POLICY AND PROGRAM (DAAPP)

Revised 2026

Compliance note. This policy is designed to satisfy the Drug-Free Schools and Communities Act (DFSCA), 34 CFR Part 86, applicable Title IV Program Participation Agreement requirements, the Drug-Free Workplace Act, FERPA provisions related to alcohol/controlled-substance violations, and related 2026 federal student-aid guidance. Legal citations and penalty summaries should be verified at each annual distribution because statutes and penalties can change.

1. Purpose and Legal Authority

Keweenaw Bay Ojibwa Community College (KBOCC) is committed to maintaining a safe, healthy, and drug-free learning and working environment. As a condition of participation in federal student aid and other federal programs, KBOCC maintains and implements a drug and alcohol abuse prevention program and distributes required prevention information to students and employees.

- Drug-Free Schools and Communities Act Amendments of 1989 and 34 CFR Part 86 (Drug and Alcohol Abuse Prevention).
- 34 CFR 668.14(c)(1), requiring a Title IV participating institution to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.
- Drug-Free Workplace Act of 1988 and applicable government-wide drug-free workplace requirements for federal grant recipients.
- Family Educational Rights and Privacy Act (FERPA), including the permissive disclosure to a parent regarding certain alcohol or controlled-substance disciplinary violations by a student under age 21.
- Applicable federal, Michigan, Keweenaw Bay Indian Community (KBIC) Tribal, and local law.

This policy also serves as KBOCC's written Drug and Alcohol Abuse Prevention Program (DAAPP). It is intended to be read together with the Student Code of Conduct, employee policies, the Annual Security Report, and other applicable KBOCC policies.

2. Scope

This policy applies to all KBOCC students and employees and, where stated, visitors. It applies on College property, at College-controlled locations, in College vehicles, and at College-sponsored, College-supervised, or College-authorized activities, whether the activity occurs on or off College property. Employees performing work under a federal award are also subject to the Drug-Free Workplace requirements described in Section 11.

For DFSCA purposes, KBOCC's minimum standards prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on College property or as part of College activities. KBOCC may establish stricter conduct standards consistent with law.

3. Definitions

- Alcohol means beer, wine, distilled spirits, and other beverages or products containing alcohol.
- Controlled substance means a drug or substance regulated under the federal Controlled Substances Act and/or applicable Tribal or state law.
- Illicit drug means a controlled substance whose possession, use, manufacture, or distribution is unlawful under applicable law. It also includes prescription medication possessed or used without lawful authorization or used contrary to the prescription.
- College property includes buildings, grounds, facilities, vehicles, and other property owned, leased, or controlled by KBOCC.
- College activity means any activity sponsored, supervised, authorized, or funded by KBOCC, whether on or off College property.

- Employee includes faculty, staff, administrators, student employees, and other persons treated as employees by KBOCC.
- Student means any person enrolled or registered in a KBOCC course or program, including dual-enrolled students when participating in KBOCC activities.

4. Standards of Conduct

4.1 Prohibited Conduct

Students and employees are prohibited from engaging in the following conduct on College property or as part of a College activity, except where an activity is expressly authorized by law and College policy:

- Unlawful possession, use, consumption, manufacture, cultivation, distribution, dispensing, sale, transfer, or exchange of illicit drugs or controlled substances.
- Unlawful possession, use, consumption, distribution, sale, transfer, or exchange of alcohol.
- Possession of drug paraphernalia when associated with unlawful drug use.
- Reporting to class, work, or a College activity while impaired by alcohol, cannabis/marijuana, an illicit drug, or the misuse of a prescription or over-the-counter medication.
- Operating a College vehicle or equipment while impaired by alcohol, cannabis/marijuana, an illicit drug, or a medication that makes operation unsafe.
- Misuse, sharing, sale, or distribution of prescription medication.
- Conduct involving alcohol or drugs that violates federal, Tribal, state, or local law or another KBOCC policy.

4.2 Cannabis/Marijuana

Michigan law permits certain adult-use and medical cannabis activity, but federal law continues to regulate cannabis as a controlled substance. Because KBOCC receives federal funds and is subject to federal drug-free requirements, possession, use, manufacture, distribution, or being impaired by cannabis/marijuana is prohibited on KBOCC property and as part of KBOCC activities, regardless of whether the conduct may otherwise be permitted under Michigan law. KBOCC will update this provision if controlling federal law or binding federal guidance changes.

4.3 Prescription and Over-the-Counter Medication

Lawfully prescribed and over-the-counter medications may be used as directed. Individuals are responsible for using medication safely and must not operate vehicles, machinery, or equipment when a medication causes impairment or creates a safety risk. Possession or use of another person's prescription, use of an expired or invalid prescription, or use inconsistent with lawful directions may violate this policy and applicable law.

4.4 Tobacco, Nicotine, and Vaping

Tobacco, nicotine, e-cigarette, and vaping restrictions are governed by KBOCC's applicable campus smoking/tobacco rules. Traditional or ceremonial use recognized by KBOCC is addressed under applicable College and Tribal practices. Tobacco and nicotine are not treated as illicit drugs for DFSCA purposes, but KBOCC may regulate their use on College property.

5. Disciplinary Sanctions and Enforcement

KBOCC will impose appropriate disciplinary sanctions for violations of this policy, consistent with applicable law and College procedures. Sanctions will be applied based on the facts and circumstances, severity, prior conduct, safety concerns, and applicable student or employee procedures. KBOCC will seek consistent enforcement across comparable cases.

- For students: warning, educational or restorative requirements, referral to counseling/treatment resources, probation, loss of privileges, removal from an activity or location, suspension, expulsion, restitution where appropriate, and/or referral for prosecution.
- For employees: corrective action, required participation in an assistance or rehabilitation program when appropriate, suspension, termination of employment, and/or referral for prosecution, consistent with applicable personnel procedures and law.
- For visitors: removal from College property or activities, restriction from returning, and/or referral to law enforcement.
- Nothing in this policy requires KBOCC to delay emergency or safety action while a disciplinary process is pending.

A violation of College policy may also constitute a criminal offense. College discipline and criminal or civil proceedings are separate processes and may occur independently.

6. Legal Sanctions

Unlawful alcohol and drug conduct may result in penalties under federal, Michigan, KBIC Tribal, and local law. Penalties vary by substance, quantity, conduct, age, prior offenses, and other circumstances, and may include fines, incarceration, probation, community service, driver's-license consequences, forfeiture, and other sanctions. A current summary of these legal sanctions appears in Appendix D and is incorporated into this policy.

6.1 Federal Law

Federal law establishes criminal penalties for unlawful possession, manufacture, and distribution of controlled substances. Trafficking penalties can be substantial and vary by drug type, quantity, prior convictions, and whether death or serious bodily injury results. Federal law may also authorize denial of certain federal benefits by court order in specified drug cases.

6.2 Michigan Law

Michigan law regulates alcohol, impaired driving, controlled substances, and cannabis. For example, Michigan's impaired-driving laws generally prohibit driving with a bodily alcohol content of .08 or higher for drivers age 21 or older and establish a lower threshold for drivers under age 21; enhanced consequences may apply at higher alcohol levels and for repeat offenses. Michigan's legalization of certain cannabis activity does not override KBOCC's federal drug-free obligations.

6.3 KBIC Tribal and Local Law

Conduct within Tribal jurisdiction may also be subject to the Keweenaw Bay Indian Community Code and other applicable Tribal laws, including provisions addressing alcoholic beverages, controlled substances, minors, and impaired driving. Local ordinances may also apply.

Because criminal laws and penalty amounts change, KBOCC will verify Appendix D before each annual DAAPP distribution and update it when necessary. The statutes and ordinances in effect at the time of an offense control over this summary. Appendix D is informational and is not legal advice.

7. Health Risks Associated with Alcohol and Other Drugs

Alcohol and other drug use can create immediate and long-term health and safety risks. Risk depends on the substance, dose, route of use, frequency, individual health conditions, and whether substances are combined.

Substance	Potential short-term risks	Potential long-term/serious risks
Alcohol	Impaired judgment and coordination; nausea/vomiting; blackouts; injury; alcohol poisoning.	Alcohol use disorder; liver, heart, and neurologic disease; certain cancers; fetal alcohol spectrum disorders; death.
Opioids / narcotics	Drowsiness; nausea; slowed breathing; impaired consciousness.	Dependence/addiction; overdose; respiratory arrest; death, especially when combined with alcohol or sedatives.
Depressants / sedatives	Drowsiness; confusion; poor coordination; slowed breathing.	Dependence; withdrawal complications; overdose, coma, or death.
Stimulants	Increased heart rate/blood pressure; agitation; insomnia; decreased appetite.	Cardiovascular problems; anxiety/paranoia; substance use disorder; seizures or other severe complications.
Hallucinogens	Altered perception; panic; impaired judgment; unsafe behavior.	Persistent perceptual or psychiatric effects in some users; injury risk.
Cannabis	Impaired attention, memory, coordination, and reaction time; anxiety or panic in some users.	Cannabis use disorder; cognitive or mental-health effects in some users; respiratory harms when smoked; impaired-driving risk.
Mixed substances	Effects can be unpredictable and may intensify impairment.	Combining opioids, sedatives, or alcohol can sharply increase overdose and respiratory-depression risk.

8. Prevention, Counseling, Treatment, Rehabilitation, and Re-entry Resources

KBOCC will provide students and employees information about available prevention, counseling, treatment, rehabilitation, and re-entry resources. Seeking assistance voluntarily does not, by itself, excuse policy violations, but KBOCC encourages early help-seeking.

- Emergency: Call 911 for an immediate medical or safety emergency.
- 988 Suicide & Crisis Lifeline: call or text 988 for 24/7 support for mental health, suicide, and substance-use crises.
- SAMHSA National Helpline: 1-800-662-HELP (4357), a free and confidential 24/7 treatment referral and information service; FindTreatment.gov may also be used to locate services.
- KBOCC students: contact the Dean of Student Services/Student Services for current campus and community counseling, telehealth, wellness, and referral options.
- KBOCC employees: contact Human Resources for current employee assistance, counseling, treatment, and referral options.
- Local/Tribal services: KBOCC will maintain and distribute a current list of verified community and Tribal substance-use treatment and recovery resources with the annual notice.

KBOCC may provide prevention education, wellness programming, referral services, awareness activities, and other evidence-informed prevention efforts throughout the year.

9. Annual Distribution Requirements

KBOCC will distribute the DAAPP information annually to every enrolled student and every employee. Merely posting the policy online or making it available on request is not sufficient. The distribution method must be reasonably designed to reach each individual, such as direct KBOCC email, Canvas portal or another individually directed communication.

The annual distribution must include, at minimum:

- Standards of conduct prohibiting unlawful possession, use, or distribution of illicit drugs and alcohol on College property or as part of College activities.
- A description of applicable federal, state, local, and Tribal legal sanctions.
- A description of health risks associated with illicit drug use and alcohol abuse.
- A description of available counseling, treatment, rehabilitation, and re-entry programs.
- A clear statement that KBOCC will impose disciplinary sanctions and a description of the range of sanctions, up to and including expulsion, termination, and referral for prosecution.

Students who enroll and employees who are hired after the primary annual distribution must receive the materials after they enter the KBOCC community. KBOCC will maintain documentation sufficient to show the content, date, method, and recipient population for each distribution.

9.1 Responsible Offices

- Student Services will coordinate and document distribution to students, including late-starting or newly enrolled students.
- Human Resources will coordinate and document distribution to employees, including employees hired after the primary annual distribution.
- The Dean of Student Services and Human Resources will coordinate annual verification of links, resource information, and legal references before distribution.

10. Biennial Review

KBOCC will conduct a formal review of its DAAPP at least once every two years. The review will be led by the Dean of Student Services with participation from Human Resources and other appropriate College representatives.

The biennial review will:

1. Determine the effectiveness of the DAAPP and identify needed changes.
2. Determine the number of drug- and alcohol-related violations and fatalities occurring on KBOCC's campus or as part of KBOCC activities that were reported to campus officials during the review period.
3. Identify the number and type of disciplinary sanctions imposed for drug- and alcohol-related violations and fatalities.
4. Determine whether disciplinary sanctions are being consistently enforced.
5. Review prevention activities, education, referrals, utilization or participation data when available and appropriate, and other evidence relevant to program effectiveness.
6. Document the data sources, methods, findings, conclusions, and corrective actions or program changes.

KBOCC will implement changes identified as necessary through the review. The final biennial review report, along with the data and methods supporting its conclusions, will be made available upon request to the U.S. Department of Education and to members of the public as required by federal guidance.

11. Drug-Free Workplace Requirements for Federal Awards

KBOCC will make a continuing, good-faith effort to maintain a drug-free workplace as required for applicable federal awards. KBOCC will maintain an ongoing drug-free awareness program for employees that addresses the dangers of workplace drug abuse, KBOCC's drug-free workplace policy, available counseling/rehabilitation/assistance programs, and potential penalties for workplace drug violations.

11.1 Employee Conviction Notice

An employee engaged in the performance of a federal award must notify KBOCC in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after the conviction.

11.2 KBOCC Federal Agency Notice and Action

When KBOCC learns of such a conviction involving an employee engaged in the performance of a federal award, KBOCC will provide any required written notice to each affected federal awarding agency within 10 calendar days, including the employee's position title and affected award identification information as required.

Within 30 calendar days after learning of the conviction, KBOCC will take appropriate personnel action, up to and including termination, consistent with applicable law, or require satisfactory participation in an approved drug-abuse assistance or rehabilitation program, as applicable.

12. Federal Student Aid Eligibility and Drug Convictions

A drug conviction does not, by itself, make a student ineligible for Title IV federal student aid under the former Higher Education Act drug-conviction eligibility rule. The FAFSA drug-conviction question was removed, and students with drug convictions may receive Title IV aid if they otherwise meet eligibility requirements.

A separate federal court-imposed drug-abuse hold may still affect eligibility for certain federal benefits, including federal student aid. KBOCC Financial Aid will follow current U.S. Department of Education/Federal Student Aid processing guidance for any applicant record indicating such a hold.

KBOCC will not use outdated language stating that a student automatically loses Title IV eligibility merely because of a drug conviction.

13. FERPA and Parental Notification for Students Under 21

Consistent with FERPA, KBOCC may disclose to a parent information regarding a student's violation of a federal, state, or local law, or a KBOCC rule or policy, governing the use or possession of alcohol or a controlled substance when KBOCC determines that the student committed the disciplinary violation and the student is under age 21 at the time of disclosure. FERPA does not require such disclosure, and a signed student waiver is not required for this specific FERPA exception. KBOCC will consider applicable Tribal, state, and other law before making a disclosure.

14. Records Retention and Documentation

KBOCC will retain records related to its DAAPP for at least three years after the end of the fiscal year in which the record was created, or longer when required because litigation, a claim, negotiation, audit, review, or other action began before the retention period expired. In that circumstance, records will be retained until the action and related issues are resolved or the normal retention period ends, whichever is later.

DAAPP records should include, as applicable:

- Copies of each annual distribution and evidence of distribution to students and employees.
- Procedures used to ensure newly enrolled students and newly hired employees receive the materials.
- Biennial review reports and supporting data/methodology.
- Drug- and alcohol-related violation, fatality, referral, and sanction data used for the biennial review, maintained with appropriate privacy protections.
- Documentation of prevention and education activities.
- Documentation required under the Drug-Free Workplace Act, including employee notices and federal agency notifications when applicable.

15. Administration, Training, and Annual Compliance Check

The Dean of Student Services and Human Resources are responsible for coordinating implementation of this policy. Financial Aid will be consulted regarding Title IV requirements. Other offices will provide data or assistance as needed.

Before each annual distribution, KBOCC will complete a compliance check that verifies:

- the policy contains all five federally required DAAPP content elements;
- student and employee distribution lists and processes are current;
- new student/new employee distribution procedures are operating;
- legal-sanctions descriptions and cited laws are current;
- counseling, treatment, rehabilitation, re-entry, crisis, and local/Tribal resource information is current;
- the federal student-aid drug-conviction language remains current;
- Drug-Free Workplace conviction reporting and agency-notification procedures remain current; and
- the next biennial review due date and records-retention obligations are tracked.

16. Non-Retaliation and Requests for Assistance

KBOCC prohibits retaliation for making a good-faith report of a policy concern or for requesting assistance. This provision does not prevent KBOCC from addressing conduct that violates College policy. Students and employees may request information or referrals from Student Services or Human Resources.

17. Relationship to Other Policies and Controlling Law

This policy does not replace the Student Code of Conduct, employee disciplinary procedures, safety policies, or other KBOCC rules. If this policy conflicts with controlling federal, Tribal, state, or local law, controlling law governs. KBOCC may revise this policy when laws, regulations, or federal guidance change.

18. Approval and Revision History

Date	Action	Notes
June 2022	Prior revision	Prior KBOCC DAAPP policy.
2024	No policy changes	No changes were made to the Drug and Alcohol Abuse Prevention Policy in 2024.
September 2026	Comprehensive compliance revision	Updated DFSCA distribution/biennial review procedures, record retention, Drug-Free Workplace timelines, FERPA language, crisis resources, cannabis language, federal student-aid drug-conviction language, and current legal-sanctions summary.
_____	Board/President approval	Effective upon approval.

Appendix A - 2026 Compliance References

- U.S. Department of Education, Federal Student Aid, 2026-2027 Federal Student Aid Handbook, Volume 2, Chapter 6, Consumer Information and School Reporting (Drug and Alcohol Abuse Prevention section).
- U.S. Department of Education, Federal Student Aid, 2026-2027 Federal Student Aid Handbook, Appendix E, Institutional Reporting and Disclosure Requirements.
- 34 CFR Part 86, Drug and Alcohol Abuse Prevention.
- 34 CFR 668.14(c)(1), Program Participation Agreement.
- Drug-Free Workplace Act of 1988 and applicable government-wide drug-free workplace regulations.
- U.S. Department of Education, Federal Student Aid, 2026-2027 Federal Student Aid Handbook, Volume 1, Chapter 1 (drug-abuse hold/current student eligibility guidance).
- U.S. Department of Education, Student Privacy Policy Office, FERPA guidance on parental notification for alcohol/controlled-substance violations by students under age 21.
- Drug Enforcement Administration (DEA), current controlled-substance scheduling and federal trafficking penalty resources.
- Michigan State Police, current impaired-driving law information.
- SAMHSA, National Helpline and 988 Suicide & Crisis Lifeline resources.

Appendix D - 2026 Legal Sanctions Summary

Purpose. Federal regulations require KBOCC to provide students and employees a description of legal sanctions under federal, state, and local law for the unlawful possession or distribution of illicit drugs and alcohol. This summary provides that description and also identifies applicable KBIC Tribal law. It is not an exhaustive statement of criminal law. Penalties can change and can increase based on the substance, quantity, age, location, prior convictions, injury or death, and other circumstances.

Jurisdiction / conduct	Description of sanctions	Primary authority
Federal - simple possession	21 U.S.C. § 844 prohibits knowing or intentional possession of a controlled substance unless lawfully authorized. A first offense may result in up to 1 year of imprisonment and a minimum \$1,000 fine, or both. Repeat offenses carry increased minimum fines and potential imprisonment. Federal law also authorizes a civil penalty of up to \$10,000 for possession of certain personal-use amounts in circumstances covered by 21 U.S.C. § 844a.	21 U.S.C. §§ 844, 844a
Federal - manufacture/distribution	21 U.S.C. § 841 prohibits unauthorized manufacture, distribution, dispensing, and possession with intent to manufacture, distribute, or dispense controlled substances. Penalties vary substantially by drug, quantity, prior convictions, and whether death or serious bodily injury results. Depending on the offense, imprisonment can range from terms of years to life, with substantial fines and supervised release. Enhanced penalties can apply for distribution to persons under age 21 or in protected locations.	21 U.S.C. §§ 841, 859, 860
Michigan - controlled-substance possession	Michigan law prohibits knowing or intentional possession of controlled substances unless lawfully authorized. Under MCL 333.7403, penalties depend on the drug and amount. Certain Schedule 1 or 2 narcotic possession offenses are felonies and may carry imprisonment ranging up to life for the largest quantities and fines up to \$1,000,000; other controlled-substance possession offenses may be felonies or misdemeanors with lower maximum terms and fines.	MCL 333.7403
Michigan - alcohol under age 21	A person under age 21 generally may not purchase, consume, possess, or attempt to purchase, consume, or possess alcoholic liquor, or have bodily alcohol content, subject to statutory exceptions. A first violation is generally a state civil infraction with a fine of up to \$100 and may include substance-use services, community service, and screening. Subsequent violations may be misdemeanors with higher fines and, in specified circumstances, imprisonment.	MCL 436.1703
Michigan - impaired driving	Michigan prohibits operating a motor vehicle while intoxicated or impaired by alcohol, a controlled substance, or another intoxicating substance. The law includes a	MCL 257.625 et seq.

Jurisdiction / conduct	Description of sanctions	Primary authority
	.08 alcohol-content threshold for most drivers and a lower standard for drivers under age 21. Penalties may include jail or imprisonment, fines, community service, vehicle sanctions, driver-license consequences, treatment or assessment requirements, and enhanced penalties for repeat offenses or when serious injury or death results.	
KBIC Tribal law	Conduct within KBIC jurisdiction may be subject to the current Keweenaw Bay Indian Community Tribal Code, including provisions addressing alcoholic beverages, controlled substances, minors, and impaired operation. Tribal sanctions may include fines, incarceration where authorized, probation or other court-ordered conditions, treatment or rehabilitation requirements, vehicle or driving consequences, and other remedies permitted by Tribal law. The current Tribal Code and orders of the KBIC Tribal Court control.	Current KBIC Tribal Code
Local law	Local ordinances may impose additional restrictions or penalties relating to alcohol or drug conduct. When applicable, KBOCC will identify and verify the relevant local ordinance for the location of the conduct before the annual distribution.	Applicable local ordinance

Annual verification requirement. Before each annual DAAPP distribution, the Dean of Student Services and Human Resources will verify this appendix against current federal law, Michigan law, the current KBIC Tribal Code, and any applicable local ordinances. If a penalty or legal provision has changed, KBOCC will update the distributed DAAPP materials before distribution.

2026 verification sources. U.S. Code (21 U.S.C. §§ 841, 844, 844a, 859 and 860); Michigan Legislature (MCL 333.7403, 436.1703 and 257.625); and the Keweenaw Bay Indian Community Tribal Court/Tribal Code. Verified September 2026.