

6.35 Drug and Alcohol Abuse

A. Purpose

The purpose of this Policy is to ensure campuses are free of illegal or abusive use of drugs and alcohol in compliance with [Public Law 101-226: Drug-Free Schools and Communities Act Amendments of 1989](#). The University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcohol in compliance with state and federal laws. The University recognizes that the illegal and/or abusive use of alcohol or drugs may prevent the University from meeting its commitments and accomplishing its missions. Further, such use jeopardizes the safety and welfare of the individual, fellow Employees, students, and the University community.

B. Persons Affected

This Policy applies to all Employees.

C. Definitions

Not applicable.

D. Policy

1. Illegal Drugs

1. On duty. While on duty, illegal drugs may **NOT** be:

- a. purchased;
- b. manufactured;
- c. distributed;
- d. possessed;
- e. sold;
- f. stored; or
- g. used.

2. University property or business. This applies when an Employee is:

- a. in or on the premises or property owned or controlled by the University; or
- b. in vehicles used for University business.

2. Alcohol

1. **In vehicles.** The use or personal possession of alcohol while in vehicles used for University business is prohibited.
2. **On duty.** Use of alcohol while on active work duty, at an authorized University function during official University business, or at an authorized University site that adversely affects job performance or may adversely affect the health or safety of any other person is prohibited.

3. Not on Duty

Use of alcohol, an illegal drug, or controlled substance while not on duty at an authorized University function that adversely affects performance or may adversely affect the health or safety of other Employees, students, visitors, or patients is prohibited.

4. Prescription Medications

1. **Employee responsibilities.** Warnings about prescribed or over-the-counter medication and its impact on work performance of an individual or job safety must be heeded by the Employee.
2. **Supervisory responsibilities.** A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an Employee's ability to perform assigned duties or in a safe manner because of the use of such medications.
3. **Distribution to others.** Distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on the premises or property controlled by the University is prohibited.

5. Assistance Programs

Assistance programs (e.g., the Employee Assistance Program) are available for Employees who use illegal drugs or abuse controlled substances or alcohol.

1. **Encouraged.** Employees are encouraged to seek help from available resources, such as assistance programs.
2. **Mandated.** As a condition of employment, the Employee may be:
 - a. referred to an assistance program; and/or
 - b. required to participate in and satisfactorily complete a chemical abuse rehabilitation program.

6. Testing

Employees may be required to undergo drug and/or alcohol testing under either of the following conditions:

1. **Behavior.** When a supervisor observes an Employee exhibiting such appearance and behavior in violation of this Policy.
2. **Program requirements.** Pursuant to drug and alcohol program requirements for specific positions.

7. Criminal Conviction

1. **Employee responsibilities.** Employees must notify the University in writing within five (5) days of a conviction under a criminal drug statute for a violation occurring in the workplace.

2. Supervisory responsibilities.

- a. **Reporting.** After receiving notice from the Employee or otherwise obtaining such notice, and if required under the terms of a grant or contract, the Employee's supervisor must make a report within ten (10) days to the contracting officer.
- b. **Failure to report.** Failure to initiate personnel action within thirty (30) days, if required under the terms or grant or contract, may lead to disciplinary action, including termination.

E. Reference Sources and Authority

- United States Code, Title 41, Section 701: Drug-Free Workplace Act of 1988
- Code of Federal Regulations, Title 29, Part 98: Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)
- Public Law 101-226: Drug-Free Schools and Communities Act Amendments of 1989

F. Review Responsibilities and Dates

The Policy Owner for this Policy is the Chief Human Resources Officer, and this Policy shall be reviewed every three (3) years or sooner, if necessary, by the Policy Owner or their designee.

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Policy Management

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