

## **Policy 5-113: Drug-Free Workplace**

### **I. Purpose**

To provide policy, procedures, and programs for the maintenance of a drug-free workplace that apply to all employees, as defined in [Policy 5-001](#): Employee Definitions and to provide opportunities and information for rehabilitation and assistance for employees with drug related work problems, in accordance with federal requirements; and to provide for compliance with federal law requiring a program to prevent the illicit use of drugs and the abuse of alcohol.

### **II. References**

Federal Law, Drug-Free Workplace Act of 1988

Federal Law, Drug-Free Schools and Communities Act Amendments of 1989

[Policy 5-205](#): Code of Conduct for Staff

[Policy 6-316](#): Code of Faculty Responsibility

[Policy 5-111](#): Corrective Action and Termination for Staff

[Tobacco Free Campus Guidelines](#)

### **III. Definitions**

- A. Disciplinary Action: Employment related action undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.
- B. Employee: As defined in Policy 5-001: Employee Definitions.
- C. Sanctions: All disciplinary action that may be taken against staff pursuant to Policy 5-111 and against the faculty pursuant to Policy 6-316.

- D. Conviction: Finding of guilt for a crime by a court of competent jurisdiction, including a "No Contest" plea.
- E. Workplace: Any location operated and maintained by the University.
- F. Work Off Campus: Performance of official University business by an employee at any time and at any place away from the university.
- G. Controlled Substance: Any controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812). A copy of these schedules is available for review by any member of the University community in the Office of Personnel and Benefits and Student Counseling.
- H. Criminal Drug Statute: A criminal drug statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.
- I. Relevant employee definitions are defined in Policy 5-001.

#### **IV. Policy**

- A. It is University policy to maintain a drug-free workplace. It shall be a violation of this policy for employees to engage in the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance or alcohol at University workplace, or while engaged in university business off campus.
- B. Any person accepting employment with the University agrees to abide by the terms of this policy and procedure.
- C. As a condition of employment, a University employee assigned to a federal contract or grant, agrees to notify the employee's supervisor of any conviction for a violation of a criminal drug statute if the violation occurs in the workplace or while the employee is engaged in University work off campus.
  - 1. This notification must be made no later than five (5) calendar days after a conviction for violation of a criminal drug statute.

2. Within thirty (30) calendar days of notification of a conviction of a criminal drug statute, the university will take appropriate actions as described in paragraph D. below.

- D. Any employee of the University who violates this policy, or who has been convicted of a violation of a criminal drug statute while assigned to work on a federal contract or grant as described in paragraph C. above, may be required to participate in a drug or alcohol abuse assistance or rehabilitation program approved by the Vice President for Human Resources in accordance with federal law; and/or may have disciplinary action and sanctions imposed. Whenever permitted by University regulations, rehabilitation is to be preferred to discipline for violations of this section.
- E. Annually the University will distribute information about the program to prevent the illicit use of drugs and the abuse of alcohol by students and employees as required by federal law.
- F. Biennially, the University will conduct a review of its program to determine its effectiveness, to implement changes if needed, and to ensure that sanctions are consistently enforced.

## **V. Procedure**

- A. The Office of the President shall periodically inform all employees of this policy and its contents. Human Resources shall inform new employees holding benefits eligible positions of the policy. Departments will also provide policy notification to all employees holding non-benefits eligible positions.
- B. The University shall operate an ongoing Drug-Free Awareness Program to inform employees and supervisors about:
  - 1. The health risks of illicit use of drugs and the abuse of alcohol.
  - 2. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.

- C. If an employee is engaged in the performance of federal contracts and is convicted under a criminal drug statute occurring at a University workplace or while engaged in University work off campus, the following actions shall be taken:
1. The employee shall notify the employee's supervisor of the conviction under a criminal drug statute within five (5) days of the conviction.
  2. The supervisor shall contact the Vice President for Human Resources within two (2) work days following notification of the conviction under a criminal drug statute.
  3. The Vice President for Human Resources shall then inform the Vice President for Research who shall notify the appropriate federal agency within ten (10) calendar days of receipt of a notice of conviction under a criminal drug statute.
  4. Within thirty (30) days after receiving notice of conviction under a criminal drug statute, appropriate action shall be taken in accordance with paragraph IV. D. above.

## VI. Contacts

Policy Owners: Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Director of Benefits for Human Resources and the Director of Employee Relations for Human Resources.

Policy Officer: Only the [Vice President for Human Resources](#) or designee has the authority to grant exceptions to this Policy.

## VII. History

Editorially changed March 4, 2022 to replace gender-specific pronouns

Editorially revised: October 11, 2011

Editorial changes were made to this document to reflect the changes in Employee definitions as set forth in [Policy 5-100](#).

Tobacco Free Campus Guidelines added to References; July 1, 2016

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Approved: Academic Senate 2/4/91

Approved: Institutional Council 2/11/91