

Policy 1110 Alcohol and Other Drugs

Current Version Approved: February, 2008
Responsible Office: Director, Human Resources

1. PURPOSE

To comply with relevant laws related to the abuse of alcohol and controlled substances and help provide for a healthy and safe university community for employees, students, the local community and campus visitors. In addition, it is the intent of the university to offer support and possible solutions to employees who are struggling with alcohol or other drug-related problems.

2. AUTHORITY

In addition to the Drug-Free Workplace Act of 1988 (US Code Title 41, Chapter 10, Section 701), and the [Department of Human Resources Management's Policy on Alcohol and Other Drugs](#), the university, as an institution of higher education receiving federal funds, must comply with the requirements of federal regulations concerning drug and alcohol abuse prevention. See US Code Title 20, Chapter 28, Subchapter 1, Part B, Section 1011i. The law requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, an institution of higher education must certify that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes -

2.1 The annual distribution to each student and employee of -

- Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as part of any of the institution's activities;
- a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- a description of the health-risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct ; and

2.2 a biennial review by the institution of the institution's program to -

- determine the program's effectiveness and implement changes to the program if the changes are needed; and
- ensure that the required sanctions mentioned above are consistently enforced.

3. DEFINITIONS

Alcohol

Any product defined as such in the Alcoholic Beverage Control Act section 4.1-100 of the Code of Virginia, as amended.

Conviction

A finding of guilt (including a plea of guilty or a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug laws, alcohol beverage control laws, or laws which govern driving while intoxicated.

Controlled Substance

Any substance as defined in the Drug Control Act 54.1-3400 of the Code of Virginia, as amended, and **whose** manufacture, distribution, dispensation, use, or possession is controlled by law.

Criminal Drug Law

Any criminal law governing the manufacture, distribution, dispensation, use, or possession of any controlled substance.

Other Drug

Any substance other than alcohol that may be taken into the body and may impair mental faculties and/or physical performance.

Supervisor

The person immediately responsible for an employee's workplace and performance.

University Employee

All employees of the university, whether classified or non-classified, full-time or part-time salaried or hourly, and includes all instructional and administrative & professional faculty.

Workplace

Any university-owned or leased property, or any site where university employees are performing official duties.

4. APPLICABILITY

This policy is applicable to all employees of the university, whether classified or non-classified, full-time or part-time salaried or hourly, student employees, and includes all instructional and administrative & professional faculty.

5. POLICY

5.1 Each of the following acts by university employees is prohibited under this policy:

- The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace;
- impairment in the workplace from the use of alcohol or other drugs (except the use of drugs for legitimate medical purposes);
- the criminal conviction for a:
 - violation of any criminal drug law, based upon conduct occurring either on or off the workplace; or
 - violation of any alcoholic beverage control law, or law that governs driving while intoxicated;
 - or an employee's failure to report, within five calendar days, any offense described above to his or her supervisor.
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5.2 Health Risks

See Appendix D

5.3 Rehabilitation Programs

University employees with problems related to the use of alcohol or other drugs are encouraged to seek counseling or other treatment assistance.

Supervisors are encouraged to assist employees seeking counseling. They should consult Human Resources and/or ValueOptions (1-866-725-0602) for managing treatment of behavioral health and substance abuse conditions.

- ValueOptions covers medically necessary behavioral health and Employee Assistance Program (EAP) services under the COVA Care plan and COVA HDHP.
- Eligible services must be pre-authorized by ValueOptions.
- Referral from a Primary Care Physician is not necessary.
- Not all programs are licensed, accredited or covered under employees' health coverage.
- Other state agencies offering assistance and referral information are the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Health, the Department of Rehabilitative Services, and /or Virginia Office for Protection and Advocacy.

With the approval of the vice president or designee, University employees may be granted leave of absence (leave without pay if no leave balances are available) from work to participate in rehabilitation programs for treatment of alcohol and other drug problems.

Information regarding an employee's enrollment in an Employee Assistance Program or an alcohol and other drug rehabilitation program shall only be disclosed with the employee's permission or when the university determines that disclosure is necessary for the efficient operation of the university.

6. PROCEDURES

6.1 Confidentiality and Maintenance of Records

All records and information concerning personnel actions that are related to this policy shall remain confidential and only be disclosed with the employee's permission or when the university determines that disclosure is necessary for the efficient operation of the university.

7. RESPONSIBILITIES

7.1 Employee Responsibilities

All employees shall abide by the terms of the university's Policy on Alcohol and Other Drugs and applicable disciplinary policies.

Employees who are convicted of violating a criminal drug law, based on conduct occurring on or off the workplace, or an alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace, must notify their supervisors of such conviction. Such notification must be in writing and must be made no later than five calendar days after such conviction. Appealing the conviction does not affect the requirement to notify the supervisor of the conviction.

7.2 University/Supervisor Responsibilities

- 7.2.1 The Drug-Free Workplace Act of 1988 requires management to disseminate supplemental information related to federal trafficking penalties and controlled substances (Appendix B).
- 7.2.2 The university must provide a copy of this policy upon employment to all employees.
- Employees shall be required to sign a form indicating receipt of the policy.
 - A copy of the policy shall be available to all employees
- 7.2.3 The university is dedicated to assuring fair and equitable application of this policy. Supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner.
- 7.2.4 University representatives shall be responsible for training supervisors on: how to recognize behaviors that may indicate impairment from alcohol or drug use; appropriate referral techniques; and available resources for drug and alcohol rehabilitation.
- 7.3 The university shall inform, on an ongoing basis, all employees of:
- 7.3.1 dangers of alcohol and other drug use or abuse in the workplace;
 - 7.3.2 available alcohol and other drug counseling;
 - 7.3.3 available approved rehabilitation and employee assistance programs, and
 - 7.3.4 penalties that may be imposed upon employees for the commission of prohibited acts.
- 7.4 The university shall inform the federal contracting or granting agency within ten calendar days after receiving notice that an employee covered under the federal Drug-Free Workplace Act has been convicted of a criminal drug law violation occurring in the workplace.
- 7.5 The supervisor shall, within 30 calendar days of receiving notice of any employee's criminal conviction, or any other violation of this policy, take appropriate disciplinary action against such employee and/or require such employee to participate satisfactorily in an alcohol or other drug rehabilitation program. Satisfactory participation shall be determined by the university after:
- 7.5.1 Presentation of adequate documentation by the employee (it is within the university's discretion to determine what documentation it will require); and/or
 - 7.5.2 consultation with the Employee Assistance Program (EAP) or any rehabilitation program (provided that, if consultation is to be with a program that treated the employee, the prior consent of the employee must be obtained).
- 7.6 The university will require contractors working on university worksites to certify that they will comply with Section 5 of this policy.

8 **SANCTIONS**

(Appendices A, B, and C provide considerable details concerning sanctions related to this policy by listing federal, state and university sanctions possible in a violation.)

Any employee who commits any prohibited act shall be subject to the full range of disciplinary actions pursuant to applicable disciplinary policies, up to and including, termination, e.g., the Standards of Conduct and Performance Policy (See Appendix A.) The severity of the disciplinary

action chosen must be decided on a case-by-case basis depending on the circumstances of each case. Among the mitigating circumstances that may be considered is whether the employee voluntarily admits to and seeks assistance for an alcohol or other drug problem.

Any supervisor who disregards the requirements of this policy, or who is found to have deliberately misused this policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

9 EXCLUSIONS

Affiliates, emeriti and unpaid members of the university community are not covered by this policy but the university reserves the right to revoke associated privileges or access as deemed necessary by the appropriate vice president.

10 INTERPRETATION

The authority to interpret this policy rests with the President, and is generally delegated to the Director of Human Resources.

Previous version: October 2005

Approved by the President: February, 2008

Index Terms

Alcohol
Alcohol Abuse
Controlled Substances

Drugs
Drug Abuse
Drug Possession
Employee Assistance Program

Appendices

[Appendix A](#)
[Appendix B](#)
[Appendix C](#)
[Appendix D](#)