



## **POLICY & PROCEDURE DOCUMENT**

NUMBER: 4.8601

DIVISION: Finance and Administration

TITLE: Drug and Alcohol Abuse Prevention Policy

DATE: August 1, 1991

REVISED: April 1, 2009

Policy for: All Employees

Authorized by: Director, Human Resources

### **I. Purpose and Scope**

As a recipient of federal funds, the following policy has been developed to ensure compliance with the Drug-Free Workplace Act of 1988, the Department of Defense Drug-Free Workforce Rule of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Employees are herein notified of the standards of conduct which shall be applicable while on Western Kentucky University's property, and/or at University sponsored activities. Conduct which does not comply with this policy poses unacceptable risks and disregard for the health, safety and welfare of the University community. Disciplinary sanctions may be imposed on employees up to and including termination of employment and /or referral for prosecution for violation of this policy.

### **II. Policy**

Western Kentucky University prohibits the unlawful (or more restricted as set forth in University Policy) use, possession, manufacture and distribution of illicit drugs and alcohol by its employees on its property or as part of any of its activities. Employees found to have committed a violation of this policy are subject to University sanctions that may include probation, suspension or termination. The level of sanction will be determined by assessing the seriousness of the breach of policy and effect of the conduct to the institution. The sanction for illegal sale or distribution of drugs includes separation from the University and referral for prosecution. Referral to drug/alcohol treatment programs will be mandated, when appropriate.

### III. Procedure

#### A. Distribution of Policy

1. Annually, Western Kentucky University shall inform employees of the dangers associated with drug and alcohol abuse, the existence of this policy and its penalties for violations, and available drug and alcohol counseling, rehabilitation, and assistance programs through the following activities:
  - a. distribution, at least annually, of this policy to all University employees including study abroad participants
  - b. communication to new employees during new hire orientation concerning resources and professional assistance
  - c. communication of the Drug and Alcohol Awareness Program and distribution of materials through the [WKU Drug and Alcohol Abuse Prevention Resource](http://www.wku.edu/hr/safety/preventionresources.php) webpage at: [www.wku.edu/hr/safety/preventionresources.php](http://www.wku.edu/hr/safety/preventionresources.php).

#### B. Health Risks Associated with Alcohol and Drug Abuse

1. There are many serious and potentially irreversible or life-threatening effects from the use of controlled substances and alcohol abuse. A summary of these effects is available through the [WKU Drug and Alcohol Abuse Prevention Resource](http://www.wku.edu/hr/safety/preventionresources.php) webpage at: [www.wku.edu/hr/safety/preventionresources.php](http://www.wku.edu/hr/safety/preventionresources.php).
2. Information regarding response to employees or students believed to be under the influence of alcohol and/or illicit drugs while engaged in work or on University premises are available through the [WKU Drug and Alcohol Abuse Prevention Resource](http://www.wku.edu/hr/safety/preventionresources.php) webpage at: [www.wku.edu/hr/safety/preventionresources.php](http://www.wku.edu/hr/safety/preventionresources.php)

#### C. Penalties and Sanctions

##### 1. Internal

The University prohibits employee engagement in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace, except for those prescribed by an authorized physician and used properly. Any employee engaged in such prohibited conduct, or convicted of a crime involving a workplace drug violation, will be subject to discipline, up to and including termination of employment. Disciplinary action can be referenced under HR Policy # 4.8500 Disciplinary Action, Non- Faculty Employees, HR Policy 4.800, Standards of Conduct for all Employees and the Academic Affairs' *Faculty Handbook*. Without regard to, and independent of its decision to impose discipline, the University retains the right to require that a covered employee who engages in prohibited conduct participate in, and successfully complete a drug abuse assistance or rehabilitation program.

## 2. External

- a. In addition to University sanctions, employees may face prosecution and imprisonment under state and federal laws which make such acts felony and misdemeanor crimes.
- b. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance and Penalties of Kentucky Law for Driving under the Influence (KRS 189) may be obtained by visiting the [WKU Drug and Alcohol Abuse Prevention Resource](http://www.wku.edu/hr/safety/preventionresources.php) webpage at: [www.wku.edu/hr/safety/preventionresources.php](http://www.wku.edu/hr/safety/preventionresources.php).
- c. Additional information pertaining to federal penalties for certain drug-related offenses appear on the [U.S. Department of Justice, Drug Enforcement Administration](http://www.justice.gov) website (<http://www.justice.gov>)

### D. Resources for Education and Treatment

The University encourages faculty and staff to seek assistance in dealing with any substance abuse problem. Resources may be obtained by visiting the [WKU Drug and Alcohol Abuse Prevention Resource](http://www.wku.edu/hr/safety/preventionresources.php) webpage at: [www.wku.edu/hr/safety/preventionresources.php](http://www.wku.edu/hr/safety/preventionresources.php).

\*\*\*Not all resources have been screened by Western Kentucky University and as such the University makes no specific endorsement or recommendations to any one program.

### E. Measuring Effectiveness

Biennially, the University shall review its "Alcohol and Drugs Prevention Program and Policy on Alcohol and Drug Abuse" to determine effectiveness and to ensure that the University's disciplinary sanctions are consistently enforced. In order to accomplish this, Western Kentucky University will review the number of drug and alcohol abuse-related disciplinary actions; drug and alcohol related treatment referrals; and the number of drug and alcohol abuse-related incidents and/or vandalisms recorded by campus police.

### F. Required Reporting for Drug Related Convictions

1. Under the Drug-Free Workplace Act of 1988, as a condition of continued employment and in addition to the other requirements of this policy, any employee who works in any capacity under a federal grant or contract must notify his or her University supervisor, department head or the Department of Human Resources, in writing, of his or her conviction for a violation of any criminal drug statute occurring in the workplace or on University business no later than five days after such conviction. Within 30 days after receiving such notice, the University shall take appropriate action and remedies within its policies.
2. If the employee is employed through a federal contract or grant, the University shall notify the contracting or granting agency of the conviction within ten days. The University will continue make a good faith effort in continuing to maintain a drug-free work place through implementation of the requirements of this Act.

#### IV. Additions/Exclusions

##### A. Department of Defense Drug Free Workforce Rule

1. In addition to requirements of the Drug-Free Workplace Act of 1988, the Department of Defense (DOD) has issued regulations which specifically apply to employees engaged in the performance of DOD contracts as described in the DFARS at Section 23.7500. Employees determined to be in "safety sensitive" positions, and those who are employed directly as a result of contract funds, are subject to additional regulations which require *pre-employment* and *random* testing for illegal drugs, on a controlled and carefully monitored basis. Note that drug testing requirements do not apply if contract language does not specify.

A "sensitive position" is one which includes, but is not limited to, duties involving:

- a. access to "classified information"
  - b. possession or use of firearms
  - c. design, manufacture, transportation, storage, testing and evaluation or maintenance of aircraft, vessels, vehicles, equipment, munitions, weapons, nuclear or other dangerous materials
2. For additional information on "sensitive positions" please visit the [WKU Drug and Alcohol Abuse Prevention Resource](http://www.wku.edu/hr/safety/preventionresources.php) webpage at: [www.wku.edu/hr/safety/preventionresources.php](http://www.wku.edu/hr/safety/preventionresources.php).
  3. In addition to the testing requirements described above, the University reserves the right to perform testing for illegal drugs based on one of the following circumstances:
    - a. when there is a reasonable suspicion that an employee uses illegal drugs
    - b. when an employee has been involved in an accident or unsafe work practice
  4. Employees who serve as Principal Investigators or who otherwise become engaged in DOD contracts are responsible for notifying the Office of Sponsored Programs and the Department of Human Resources to confirm a DOD contract. For compliance purposes, the University must provide the following:
    - a. supervisory training on how to recognize signs of impairment, behavioral patterns and physical characteristics of individuals using illegal drugs. Training must include information on making referrals for the treatment of illegal drug use and considerations of appropriate disciplinary actions.
    - b. a copy of this policy. Supervisors must discuss this policy with all employees reporting to them and who work on DOD-funded contracts.
    - c. provisions for treatment, which allow for self-referrals, as well as supervisor referrals.

5. These referrals may be directly to the Employee Assistance Program or through the Department of Human Resources. All such referrals will be made with consideration being given to employee confidentiality, as well as the welfare and safety of the workplace.

## **V. Related Policies**

See also:

## **VI. Reason for Revision**

Appendices: Drug-Free Workplace Act of 1988; Drug-Free Schools and Communities Act Amendments of 1989; U.S. Department of Defense Drug-Free Workforce Rule of 1988