



# Drug-Free Workplace Policy

Effective Date: November 7, 2017

Office: *If detailed questions, which office is best contact?* Office of Human Resources

**PURPOSE:** *This section should include reason or rationale for the policy.*

Consistent with the Drug-Free Workplace Act of 1988, the University of Indianapolis is committed to providing a workplace which is free from the unlawful manufacture, distribution, dispensation, possession or use of controlled substances.

**REFERENCE DOCUMENTS/RELATED INFORMATION:** *List any other policies or information that should be cross referenced.*

[Drug-Free Workplace Criminal Drug Conviction Notification Policy](#)

Resources:

<https://www.uindy.edu/police-department/emergency-resources-near-campus>

**SCOPE:** *Who is affected by this policy or needs to read it?*

This policy applies to all full-time and part-time employees, contract employees (including regular faculty and adjunct faculty), and all student employees (collectively “employees”).

**POLICY HISTORY:** *Include any information about previous versions or whether this replaces an existing policy.*

*This policy was updated in March, 2019.*

# Policy Title

**POLICY STATEMENT:** *State the policy here. The policy statement should include the principles of the policy: what is permitted or prohibited, what is required, or how issues will be handled. If viewers read only this section, they will know that the policy is and how it extends to the university. If procedures are short in nature, please include in policy. If procedures are lengthy, please provide separate document.*

It is the policy of the University of Indianapolis (“University”) that all employees comply with federal, state, and local laws regarding drugs and alcohol while at the workplace. The University will not tolerate the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace. The workplace includes, but is not limited to, University owned and controlled buildings, real estate, and vehicles, with the limited exception of the approved use of alcohol at University-sponsored or sanctioned special events consistent with University policies. Any employee who violates this policy is subject to disciplinary action, up to and including termination.

It is the intent of the University to provide a drug-free, healthful, safe, and secure work environment. All University employees shall adhere to this policy to promote the overall safety, health, productivity, and welfare of our workforce and the University community. In keeping with the University’s mission, the University will provide educational programs aimed at preventing drug abuse and illegal drug or alcohol use.

Employees must abide by the terms of this policy and any other applicable policies, including those governing work on a Federal contract or grant or on a state contract or grant involving Federal funds, as a condition of employment.

The University’s Drug-Free Workplace Policy includes the following provisions:

1. Several handouts regarding drug and alcohol abuse awareness are available to all employees in the Office of Human Resources. The handouts include information about the effects and dangers of drug and alcohol abuse and describes sources of counseling and other assistance for affected employees.
2. Employees are expected to report to work and remain fit for duty throughout their work day free from any controlled substance and also any drug not legally obtained and any drug not being used for its intended purpose or in its prescribed quantity.
3. As a condition of employment, all employees shall be required to participate in reasonable suspicion drug and alcohol testing. Reasonable suspicion testing, also known as for cause testing, is based on a supervisor’s direct observation of apparent workplace use, possession or impairment. Any employee who has concerns that another employee might be in violation of this policy should immediately notify his/her supervisor. Specific observations or behaviors that create a reasonable suspicion may include, but are not limited to, the following examples:
  - Breath/Odor (smell of alcohol, body odor)
  - Movements (unsteady, fumbling, staggering, slow)
  - Eyes (watery, bloodshot, closed, dilated)
  - Speech (slurred, incoherent, rambling, slow)

- Face (red/flushed, pale, sweaty, slobbering)
- Actions (erratic, threatening, hostile)

Supervisors should refer to the Reasonable Suspicion Checklist for guidance and additional reasonable suspicion indicators.

4. If a supervisor has a reasonable suspicion that an employee is under the influence of drugs and/or alcohol while on the job, then the following shall occur:
  - a. The supervisor should immediately go to the employee's work area for firsthand observation. If feasible, the supervisor should seek a second member of management to confirm initial suspicions. The second individual should perform his or her own firsthand observations of the employee.
  - b. If the employee is working around heavy equipment or machinery or in any other type of safety-sensitive job, or is acting in a manner that appears to be a safety concern, the employee may need to be immediately removed from the work area by management and/or University Police, when warranted.
  - c. The supervisor shall contact University Police to advise them of a suspected impairment situation and coordinate courtesy transportation of the employee to a University-designated health care provider by University Police for testing and return to the employee's work location. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.
  - d. Upon return to the employee's work location after testing, the employee shall be required to arrange for someone to take him or her home, and University Police and/or other law enforcement may intervene if the employee refuses to leave University premises or if the employee attempts to operate his/her personal vehicle while suspected to be under the influence.
  - e. The supervisor shall instruct the employee not to return to work until the employee is contacted by Human Resources.

The supervisor shall notify Human Resources of these events as soon as reasonably possible and submit the Reasonable Suspicion Checklist with any supporting documentation of the incident.

5. As a continuing condition of employment at the University, each employee must:
  - a. Abide by the terms of this policy and all laws regarding drugs and alcohol. Refusal by an employee to submit to reasonable suspicion testing will be treated as a positive drug test and will be treated as an immediate resignation of employment or immediate termination; and
  - b. Notify the employee's immediate supervisor/department head in writing of all convictions of a criminal drug statute occurring in the workplace no later than five (5) calendar days after the conviction. The written notification shall include the date of conviction and a description of the conviction and the sanctions involved. Where the employee convicted for a violation of a criminal drug statute occurring in the workplace is engaged in the performance of work under a contract or grant from a Federal agency or state agency where Federal funds are involved, the University shall notify the appropriate federal and/or state agency of such conviction within ten (10) calendar days after receiving notification pursuant to Section 4(b) or after receiving notification by other means. The notification process is set forth in the University's Drug-Free Workplace Criminal Drug Conviction Notification Policy.

6. Any employee who tests positive, is convicted for a violation of a criminal drug statute occurring in the workplace or otherwise violates this policy shall be subject to disciplinary action, up to and including termination. In lieu of termination the University may, in its sole discretion, require the employee to satisfactorily participate in a substance abuse assistance or rehabilitation program and submit to random testing with frequencies determined by the University for a minimum of one year but not to exceed two years.
7. All employees are expected to cooperate in the University's good faith effort to implement this policy and maintain a drug-free workplace.

### **Voluntary Treatment**

Early recognition and treatment of drug and/or alcohol abuse is important for successful rehabilitation. The University encourages the earliest possible diagnosis and treatment for substance abuse and dependency. Employees are urged to seek treatment for substance abuse problems and are reminded that treatment and counseling services are available through the Employee Assistance Program and under the University's health insurance plans. An employee needing assistance can contact the Employee Assistance Program, or the Office of Human Resources, which will make a referral.

### **Use of Prescription Drugs**

It is expected that when taking over-the-counter or prescribed medicine which may impair performance or function, employees will establish safe levels that will not alter their physical or mental ability to perform their job safely and effectively.

It is the employee's responsibility if he/she believes that the use of a legally obtained drug may impair job performance or safety to immediately notify his/her supervisor of the concern. An employee shall notify the supervisor of the concern prior to starting work or as soon as the condition becomes known. The employee's supervisor will then determine whether the employee may continue to work, needs to take a leave of absence, or if some other action is appropriate.

### **University Responsibilities**

The University, in accordance with the Drug-Free Workplace Act of 1988 and related legislation, is committed to informing employees of the dangers of drug and alcohol abuse in the workplace through an ongoing alcohol and other drug awareness program (AOD). Information about the AOD program will be included in new employee orientation sessions and supervisory training.

Employees are made aware of this policy once they are hired. In addition, all active employees will receive a reminder about this policy annually, via email.

### **Biennial Review**

The University is required to have an AOD awareness program. Part of this program is to include a biennial review of the program to determine its effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

## **Laws Concerning Alcohol and Other Drugs**

Controlled substances are tightly regulated drugs that have been determined to have special “abuse potential.” Such drugs include marijuana, hashish or hash oil, cocaine, LSD and other hallucinogens, barbiturates and other sedative hypnotics, amphetamines and other prescription stimulants, MDMA (Ecstasy), PCP and similar drugs.

It is illegal under both state and federal law to:

- Manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.
- Possess, deal in, manufacture, or deliver a substance represented to be a controlled substance (including counterfeit “lookalike” drugs, synthetic cannabinoids, and salvia).
- Manufacture, advertise, distribute, deliver or possess with intent to manufacture, advertise or distribute a substance represented to be a controlled substance.
- Possess, without a valid prescription, a controlled substance.
- Visit a building, structure, vehicle or other place used by any person to unlawfully use a controlled substance.
- Possess, manufacture, deal in or deliver drug paraphernalia (an instrument, device or other object intended for use for introducing a controlled substance into a body or for enhancing the effect or testing of a controlled substance).

Criminal sanctions for such violations can include fines up to \$10,000 under state law and up to \$250,000 under federal law and imprisonment in a state prison for up to 30 years or in a federal prison for life. The sanction imposed will be determined by (1) the classification of the controlled substance, (2) the quantity involved, (3) the nature of the offense (sales, use, etc.), (4) the age of the recipient (higher penalties if drugs are sold or given to minors), (5) the location of the offense (higher penalties for possession, sale or delivery near a school) and (6) the prior criminal record of the offender. More detailed information may be obtained by consulting the Indiana Criminal Code or the Federal Controlled Substances Act, as amended.

### Selected Indiana Laws Governing Alcohol and Other Drugs and Sanctions\*:

#### **ALCOHOL**

##### *Operating a vehicle while intoxicated or with a 0.15% BAC or above*

Class A Misdemeanor or Level 6 Felony 6 months to 2 1/2 years, up to \$10,000 fine, suspension of driving privileges

##### *Operating a vehicle with 0.08% BAC (but less than 0.15% BAC)*

Class C Misdemeanor or Level 6 Felony 6 months to 2 1/2 years, up to \$10,000 fines, suspension of driving privileges

##### *Operating a vehicle under 21 years of age with a BAC of at least 0.02% but less than 0.08%*

Class C Infraction Up to \$500 fine; driver's license suspended for one year

##### *Furnishing alcohol to a minor*

Class B Misdemeanor Up to 180 days and \$1,000 fine

*Minor possessing alcohol*

Class C Misdemeanor Up to 60 days, up to \$500 fine, up to one year suspension of driver's license if possession is in an automobile

*Minor in a tavern*

Class C Infraction Up to \$500 fine

*Possessing/furnishing false ID*

Class C Misdemeanor/Class C Infraction Up to 60 days and \$500 fine

## **MARIJUANA**

(Marijuana offense convictions may result in the suspension of driver's license for up to two years)

*Selling, possessing or growing marijuana*

Class A Misdemeanor or Level 6 Felony 6 months to 2 1/2 years and \$10,000 fine

*Selling marijuana to a minor*

Level 5 Felony 1 to 6 years and \$10,000 fine

*Selling more than 10 pounds of marijuana*

Level 5 Felony 1 to 6 years and \$10,000 fine

## **COCAINE**

(Cocaine offense convictions may result in the suspension of driver's license for up to two years)

*Possessing cocaine*

Level 3, 4, 5, or 6 Felony 6 months to 16 years and \$10,000 fine

*Possessing cocaine on or near a school or school bus*

Level 2, 3, 4, or 5 Felony 1 to 30 years and \$10,000 fine

*Selling cocaine*

Level 2, 3, 4, or 5 Felony 1 to 30 years and \$10,000 fine

*Selling cocaine to a minor*

Level 2, 3, or 4 Felony 2 to 30 years and \$10,000 fine

*Selling cocaine on or near a school or school bus*

Level 2, 3, or 4 Felony 2 to 30 years and \$10,000 fine

\*Employees should be aware that sanctions differ among states. Employees should research sanctions in their states. Please refer to <http://iga.in.gov/legislative/laws/2018/ic/titles/035> to access the Indiana Code online.

Employees can learn more about the health risks of the use of alcohol and other drugs at <https://www.drugabuse.gov/drugs-abuse>.

