



UT System Administration Policy Library – Policy UTS164
**Drug-Free University Community and
Workplace Policy**

Responsible Officer: Executive Vice Chancellor for Health Affairs and Executive Vice Chancellor for Academic Affairs

Sponsoring Office: Offices of Academic and Health Affairs

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Errors or changes to: policyoffice@utsystem.edu

CONTENTS

Policy Statement

Rationale

Scope

Website Address For This Policy

Related Statutes, Policies, Requirements Or Standards

Contacts

Definitions

Responsibilities

Procedures

Forms Tools/Online Processes

Appendices

POLICY STATEMENT

The University of Texas System and its institutions will require a drug-free university community and workplace in compliance with the Drug-Free Workplace Act of 1988, the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors and The Drug Free Schools and Communities Act of 1989.

RATIONALE

The University of Texas System Board of Regents recognizes that the illegal use of drugs and alcohol by members of the university community can have a detrimental impact on the ability of the University of Texas System and its institutions to accomplish their missions. The University of Texas System and its institutions will implement drug and alcohol policies and programs in compliance with:

- [*The Drug-Free Workplace Act of 1988*](#) (41 U.S.C. §§ 701-707);
- [*The Drug-Free Work Force Rules for Department of Defense \(DOD\) Contractors*](#) (48 C.F.R. 252.223-7004)
- [*The Drug-Free Schools and Communities Act of 1989*](#)(20 U.S.C 1145g; 34 C.F.R. 86)

SCOPE

All institutions and UT System Administration

WEBSITE ADDRESS FOR THIS POLICY

<http://www.utsystem.edu/policy/policies/uts164.html>

RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

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| UT System Administration Policies & Standards | Other Statutes, Policies & Standards |
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| | <ul style="list-style-type: none"> • Drug-Free Workplace Act of 1988, (41.U.S.C. §§ 701-707) • The Drug-Free Work Force Rules for Department of Defense(DOD) Contractors(48 C.F.R. 252.223-7004) • The Drug-Free Schools and Communities Act of 1989(20 U.S.C 1145g; 34 C.F.R. 86) |
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CONTACTS

If you have any questions about UT System Administration policy UTS 164, Drug-free University Community and Workplace Policy, contact the following office(s):

| Subject | Office Name | Telephone Number | Email/URL |
|---------|----------------------------|------------------|---|
| | Office of Academic Affairs | 512-499-4233 | http://www.utsystem.edu/aca/contact.htm |
| | Office of Health Affairs | 512-499-4224 | http://www.utsystem.edu/hea/Staff.htm |

DEFINITIONS

N/A

RESPONSIBILITIES

University administrators responsible for policy development and compliance

- Ensure that the institution has developed, obtained administrative approvals for, published in the Handbook of Operating Procedures and distributed to all employees and students (a) drug-free university community and workplace policy statement(s) that provide(s) notice that the unlawful manufacture, sale, distribution, dispensing, possession or use of a controlled substance or alcohol in or on any premises or property owned or controlled by the University or as part of any of its activities is prohibited.

- Ensure that the policy(ies) for employees at a minimum contains the following:
 1. the penalties that may be imposed upon employees for drug/alcohol violations occurring in the workplace or as any part of university activities;
 2. a requirement that that an employee convicted under a criminal drug statute for a violation occurring in the workplace notify the employer in writing of the employee's conviction no later than five(5) days after such conviction;
 3. a requirement that a supervisor notify the contracting officer in writing within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction if required to do so under the terms of a grant or contract;
 4. a requirement that a supervisor take action within thirty (30) days of receiving notice with respect to any employee who is convicted of a drug abuse violation occurring in the workplace if required under the terms of a grant or contract.
 5. notice that employees are encouraged to seek help from available employee assistance programs and other available resources
 6. notice that employees may be required to undergo drug and/or alcohol testing pursuant to drug and alcohol program requirements for specific positions

- Ensure that the policy(ies) for students at a minimum contains the following:
 1. the penalties that may be imposed upon students for drug/alcohol abuse violations occurring on university property or as part of any of its activities;

- Establish (an) ongoing drug-free awareness program(s) that at a minimum includes preparation and distribution of a pamphlet (Appendix I – Model Pamphlet) that informs employees and students about the university policy(ies) and :
 1. the dangers of drug abuse in the university community and workplace;
 2. a description of the sanctions under local, state, or federal law applicable to the unlawful possession, use, or distribution of illicit drugs and alcohol;
 3. a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
 4. a description of any drug or alcohol counseling, treatment, or rehabilitation programs available to students or employees

- Ensure that to the extent that the university has DOD contracts it maintains:
 1. an employee assistance program emphasizing "high level direction", education, counseling, rehabilitation, and coordinates with available community resources;
 2. a training program for supervisors to assist them in identifying and addressing illegal drug use by contract employees;
 3. a program for self-referral and supervisory referral to treatment with maximum respect for confidentiality consistent with safety and security issues;
 4. procedures for identifying illegal drug users, including a carefully monitored and controlled random drug testing program for employees in security sensitive

positions that has obtained administrative approvals and been published in the Handbook of Operating Procedures . Those positions are defined as those with access to classified information and those that the institution determines involve national security or require a high degree of trust and confidence. The extent of and criteria for such testing shall be determined by the Contractor based on considerations that include the nature of the work being performed under the contract, the employee's duties, the efficient use of Contractor resources, and the risks to health, safety, or national security that could result from the failure of an employee adequately to discharge his or her position.

5. (A) In addition, the Contractor may establish a program for employee drug testing—
 - (i) When there is a reasonable suspicion that an employee uses illegal drugs; or
 - (ii) When an employee has been involved in an accident or unsafe practice;
 - (iii) As part of or as a follow-up to counseling or rehabilitation for illegal drug use;
 - (iv) As part of a voluntary employee drug testing program
 - (B) The Contractor may establish a program to test applicants for employment for illegal drug use.
 - (C) For the purpose of administering this clause, testing for illegal drugs may be limited to those substances for which testing is prescribed by section 2.1 of subpart B of the "Mandatory Guidelines for Federal Workplace Drug Testing programs" (53 FR 11980 (April 11 1988)), issued by the Department of Health and Human Services.
 6. Personnel procedures for dealing with employees who are determined to be using illegal drugs. No employee who has been determined to be using illegal drugs shall be allowed to remain on-duty or perform in a security sensitive position until the institution determines that the "employee may perform in such a position."
- Make a good faith effort to maintain a drug-free workplace through implementation of this set of procedures.
 - Prepare a biennial report on the effectiveness of its drug and alcohol programs and the consistency of enforcements in accordance with the Drug Free Schools and Communities Act and requirements of the Secretary of the Department of Education.
 - Ensure that the records demonstrating compliance with drug-free university community and workplace laws are appropriately maintained and that such certifications necessary for the receipt of federal funds can be made.

PROCEDURES

1. Distribute annually to each student and employee:

(A) standards of conduct prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol by students or employees on its property or as part of any of its activities;

(B) a description of the sanctions under local, state, or federal law applicable to the unlawful possession, use, or distribution of illicit drugs and alcohol;

(C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

(D) a description of any drug or alcohol counseling, treatment, or rehabilitation programs available to students or employees; and

(E) a description of the sanctions that the institution will impose on students and employees who violate its policy regarding the unlawful possession, use, or distribution of drugs and alcohol. The sanctions may include the successful completion of an appropriate rehabilitation program.

2. Develop procedures and a method of distribution so that there is reasonable certainty that the required information is placed in the hands of each student and each employee at least once a year and that persons who are enrolled or employed after the date of the annual distribution receive the information. The use of university newspapers, catalogs or bulletins available at designated locations is not acceptable.

3. Notify the contracting officer in writing within 10 days after receiving notice, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

4. Within 30 days after receiving notice, taking one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

(A) Taking appropriate personnel action against such employee, up to and including termination; or

(B) Requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency.

5. Refer employees for drug testing in accordance with university policies and programs.

6. Attend supervisory training as required by university policy

7. Prepare the biennial report as required by the Drug Free Schools and Communities Act for the Secretary of the Department of Education

FORMS AND TOOLS/ ONLINE PROCESSES

Complying with Drug Free Schools and Campuses:

<http://www.higheredcenter.org/pubs/dfscr.pdf>

APPENDIX

[Information for Students and Employees Handout](#)

Per February 9, 2007 review of policy, P.Lozano left the following comment in regards to the Scope: “Although Drug Free Workplace Act may be limited in scope, Chancellor Mark stated that the policy should be distributed to all employees. Also, the Drug Free Schools Act requires distribution to all employees and students. P. Lozano”

Keywords: drugs, alcohol, DOD contractors, counseling, rehabilitation, employee assistance programs, drug testing, drug test, alcohol testing, alcohol test, contractor, employee assistance program, health
