1. Title

Drugs and Alcohol Policy

2. Policy

Sec. 1 The University of Texas is committed to having campuses that are free of the illegal or abusive use of drugs and alcohol. The University of Texas recognizes that the illegal and/or abusive use of alcohol or drugs by members of the University community can prevent the University from meeting its commitments and accomplishing its missions. Further, such use jeopardizes the safety and welfare of the individual, fellow employees, and the University community.

Sec. 2 Consistent with State and federal law, the University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcohol. This policy is implemented in compliance with the Drug-Free Workplace Act of 1988, and the Drug-Free Schools and Communities Act Amendments of 1989.

Sec. 3 The purpose of this statement is to establish policy for all employees of The University of Texas System and its institutions concerning manufacture, sale, possession, distribution, or use of alcohol or illegal drugs:

3.1 during working hours;

3.2 in a manner while off duty that impairs on-duty work performance; or

3.3 in a manner while in attendance at an official University function or at an authorized University site that adversely affects the performance of the employee or may adversely affect the health or safety of any other person.

Sec. 4 The provisions of this drug and alcohol policy do not relieve an employee from requirements pursuant to other University policies on drugs and alcohol.

Sec. 5 The unauthorized purchase, manufacture, distribution, possession, sale, storage, or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by the University, or while in vehicles used for University business is prohibited.

Sec. 6 The unauthorized use or possession of alcohol while on duty or while in vehicles used for University business is prohibited.

Sec. 7 The use of alcohol or an illegal drug or controlled substance while not on duty that adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors, or patients is prohibited.

Sec. 8 The use of alcohol at an authorized University function, in the course of official University business, or at an authorized University site that adversely affects job performance or may adversely affect the health or safety of any other person is prohibited.

Sec. 9 Published warnings about prescribed or over-the-counter medication and its impact on work performance or the adverse affects on the safety of others must be heeded by the employee. A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an employee's ability to perform assigned work in a safe manner because of the use of such medications.

Sec. 10 The distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on premises or property controlled by the University is prohibited.

Sec. 11 Failure to notify the University in writing within five (5) days of a conviction under a criminal drug statute for a violation occurring in the workplace; having received such notice or otherwise obtaining actual notice, a supervisor’s failure to make a required report within 10 days to a contracting officer if required under the terms of the grant or contract or a supervisor’s failure to initiate personnel action within 30 days if required under the terms of the grant or contract.

Sec. 12 Failure to enforce or interfering with the implementation of this policy.

Sec. 13 An employee who violates this policy may be subject to disciplinary action, including termination.

Sec. 14 At the discretion of the University, the employee may be referred to an assistance program and may be required to participate in and satisfactorily complete a chemical abuse rehabilitation program as a condition of continued employment.

Sec. 15 Employees may be required to undergo drug and/or alcohol testing when a supervisor observes an employee exhibiting such appearance and behavior in violation of this policy.

Sec. 16 Employees may be required to undergo drug and alcohol testing pursuant to drug and alcohol program requirements for specific positions.

Sec. 17 Because of the considerable health risks involved in drug and alcohol use, resources are available to assist the University community in understanding and dealing with drug and alcohol abuse problems. University employees can learn about the dangers of substance abuse and get information about treatment and counseling options available to the University community through the Employee Assistance Program and the Office of Human Resources. Employees who use illegal drugs or abuse controlled substances or alcohol are encouraged to seek help from available resources.

Sec. 18 The University will provide training to those individuals with supervisory responsibility over positions with duties that require drug testing when such training is required by law.

Sec. 19 A Drug-Free Workplace policy statement will be published in institutional policies and procedures.

Sec. 20 The following notice shall be provided to all University employees and the record of notice maintained:

20.1 Pursuant to the Drug-Free Workplace Act of 1988 (41USC701-707), the University is required to notify all employees that the unlawful manufacture, sale, distribution, dispensing, possession, or use of a controlled substance in or on any premises or property owned or controlled by the University is prohibited. A controlled substance is any substance so defined by federal or State statute or regulation.

20.2 Any employee who is found guilty (including a plea of no contest) or has a sentence, fine, or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the University shall report such action to his/her supervisor within five (5) days.

20.3 An employee who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance in or on premises or property owned or controlled by the University, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination, or will be required to participate

satisfactorily in an approved drug assistance or rehabilitation program or both.

3. Definitions

None

4. Relevant Federal and State Statutes

Drug-Free Workplace Act of 1988

Drug-Free Schools and Communities Act Amendments of 1989

5. Relevant System Policies, Procedures, and Forms

None

6. System Administration Office(s) Responsible for Policy

Office of the Board of Regents

7. Dates Approved or Amended

September 13, 1989
April 12, 2007
January 1, 2013