
DRUG AND ALCOHOL FREE WORKPLACE POLICY

PURPOSE: In accordance with the following federal requirements: 1) the Drug-Free Workplace Act of 1988, 2) the Drug-Free Schools and Communities Act Amendments of 1989, and 3) the Omnibus Transportation Employee Testing Act of 1991, the University has enacted the following policy applicable to all employees and students.

I. Policy Statement

- A. It is the policy of Boise State University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or the unlawful possession, use, or distribution of alcohol is prohibited on the BSU campus, in the workplace or as part of any of the University's activities. The workplace and campus are presumed to include all BSU premises where the activities of the University are conducted.
- B. Definitions: The following terms are important for purposes of expressing the University's policy on a drug and alcohol free workplace:
 1. Controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15 and as defined in Idaho Code.
 2. Contract means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease, or barter of property or services for the direct benefit or use of the federal government; or whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.
 3. Conviction means finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
 4. Criminal drug statute means a federal or non-federal criminal statute involving the manufacture, sale, distribution, dispensation, use or possession of any controlled substance.
 5. Employee means any faculty, staff, or student receiving a salary, wages, other compensation and/or stipend support from the University.
 6. Federal agency or agency means any United States executive department, military department, government corporation, government-controlled corporation, or any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.
 7. Grant means an award of financial assistance, including a cooperative agreement, in the form of money or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services

instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

8. Grantee means a legal entity which applies for or receives a grant or contract directly from a federal agency.
9. Illegal use of drugs means the use of a controlled substance, as defined above.
10. Workplace means the physical boundaries of the University and all University-owned/controlled property.

II. Policy It is the policy of the University that the illegal manufacture, sale, distribution, dispensation, possession or use of drugs is prohibited on its premises. Sanctions imposed for violation of this policy are indicated below.

A. In support of this policy, the University:

1. Has a drug-free awareness program to inform its faculty, staff, and students about the dangers of drug and alcohol abuse in the workplace, and has available counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug and alcohol abuse violations are specified.

Per federal requirements, this information is distributed annually to all employees and students, except for students enrolled exclusively in extended studies units through the University's "Safety & Security Annual Report."

2. Will provide each new employee a copy of this policy. In addition, all faculty, staff and students will be notified of this policy through appropriate publications (i.e., BSU Catalog, the Student Handbook and the BSU Administrative Handbook).
3. Will notify each University employee and each student employee hired under a federal grant or contract that, as a condition of employment, the person, once so employed, must abide by the terms of the policy.
4. Will require any employee convicted of any criminal drug statute violation which has occurred in the workplace to provide his/her supervisor or appropriate academic officer notification, preferably written, of such conviction including any resultant conditions within five (5) days of the conviction.
5. Will require supervisors of employees who are required to obtain Commercial Drivers Licenses in order to be able to drive vehicles weighing more than 26,000 pounds, vehicles placarded for the transportation of hazardous materials, and/or vehicles designed to carry sixteen (16) or more persons must assure that the appropriate test for the use of drugs and/or alcohol are administered to these employees.

For details on this testing regimen, contact the Human Resources Department to obtain a copy of "The Omnibus Transportation Employee Testing Act of 1991" guidelines as applicable to applicants and employees required to hold a commercial drivers license.

6. Will require each academic officer, supervisor, or student employment official having knowledge of or receiving notification of a conviction as described above to immediately notify in writing the Director of Human Resources. Under certain conditions, the Director of Human Resources will notify the Office of Research Administration.
7. Will notify the appropriate federal agency within ten (10) days after receiving notice of criminal drug statute conviction of any University employee engaged in performance of the grant or contract.

8. Will impose sanctions on, or require the satisfactory participation in a drug abuse assistance rehabilitation program by any employee so convicted.
9. Will make a good faith effort to continue to maintain a drug and alcohol free workplace through implementation of this policy.

B. Application of Policy:

1. The Drug and Alcohol Free Workplace Policy, which applies to all persons in the University workplace, is supported by a drug and alcohol awareness program available to the faculty, staff, and students of the University. Specific compliance and reporting items enumerated in the policy (items B, C, D, E, F) are applicable to all persons employed on federal contracts and grants.
2. Individuals who are not BSU employees, but who perform work at BSU for its benefit (e.g., independent contractors, job shoppers, temporary employees provided by agencies, visitors engaged in point projects at BSU, volunteers and so forth) are required to comply with this policy. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances or unlawful use, possess, or distribute alcohol in the BSU workplace may be barred from further work for and at BSU.

C. Implementation: Implementation of this policy is the responsibility of the Human Resources Department.

III. Penalties for Violation of the Policy

The University policy prohibiting illegal drugs and alcohol in the workplace is a protection of, and support for, the employees and students of Boise State University.

Therefore, any employee convicted of a drug offense occurring in the workplace will be subject to disciplinary action (up to and including suspension, suspension without pay, and termination) and may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as agreed upon between the employee, the Human Resources Department and the Employee Assistance Program provider. Further information concerning disciplinary action and appropriate procedures are available from the Human Resources Department.

IV. Employee Assistance Program

Boise State University through its Employee Assistance Provider, offers the following drug information, counseling, rehabilitation, and assistance programs.

- A. Information and Referral: All employees receiving benefits are eligible to consult with the Employee Assistance Program provider regarding the availability of drug and alcohol abuse assistance programs. Drug counseling and rehabilitation program referrals are made to mutual help organizations, private hospitals, public treatment programs, and private drug treatment practitioners.
- B. Individual and Family Counseling: Individuals and family members are seen on a short-term basis for assistance with drug-related problems. This service is available to employees on benefits at no charge.
- C. Educational Programs: On a periodic basis programs focusing on coping with and managing drug-related problems are offered as well as programs on the dangers of drug abuse.

Further information regarding these programs and services may be secured from the Boise State University Human Resources Department.