BOISE STATE UNIVERSITY

University Policy 7020

Drug and Alcohol Free Workplace

Effective Date

March 1989

Last Revision Date

June 2015

Responsible Party

Human Resources and Workforce Strategy (208) 426-1616

Scope and Audience

This policy applies to all employees (defined below) of the University including employed persons working on federal contracts and/or grants, and those who perform work at Boise State University for its benefit (e.g., independent contractors, temporary personnel provided by agencies, visitors, and volunteers).

Additional Authority

- The Drug-Free Workplace Act of 1988
- The Omnibus Transportation Employee Testing Act of 1991
- Idaho Code Title 72 Chapter 17, Employer Alcohol and Drug-free Workplace Act
- University Policy 4480 (Faculty Grievance Procedure)
- University Policy 7005 (Background Investigations)
- University Policy 7310 (Professional Staff Employees Grievances and Appeals)
- University Policy 7440 (Classified Employee Problem Solving Process)
- University Policy 12040 (Workplace Violence)
- Section 202 of the Controlled Substances Act (21 U.S.C. 812)
- 21 CFR 1300.00 through 1300.15

- Americans with Disabilities Act of 1990
- Idaho Executive Order 2007-08: Idaho Drug and Alcohol Free Workplace Policy

1. Policy Purpose

To protect the health and safety of University faculty and staff.

2. Policy Statement

Boise State University is committed to maintaining a safe and healthy environment for members of the University community. The University recognizes the health risks associated with Drug and/or Alcohol Abuse and is committed to supporting Employees who seek treatment for these conditions. Policy violations may result in disciplinary action, but will also be considered an opportunity for the University to help Employees find appropriate services and treatment for Drug and/or Alcohol Abuse. All members of the University community have a personal responsibility to adhere to all applicable laws, policies, and regulations concerning the use of Alcohol or other Drugs.

3. Definitions

3.1 Alcohol

the intoxicating agent in beverage alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

3.2 Drug and/or Alcohol Abuse

Use of Alcohol, chemicals, or Controlled Substances or other drugs (including legally obtained prescription drugs taken for reasons or in ways or amounts not intended by the prescribing doctor, or in the case of over the counter medications, in accordance with label directions) in a manner that impairs an individual's ability to perform his or her job.

3.3 Controlled Substance

A 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.

3.4 Contract

A legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition of property or services for the direct benefit or use of the federal government; or whenever the federal government determines in a specific instance that the use of a type of procurement agreement is appropriate.

3.5 Conviction

A finding of guilt (including a plea of nolo contendere or Alford pleas) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal, state, or local laws, for violating any Drug Law or where the use of Drugs and/or Alcohol was found to be a contributing factor of the law violation.

3.6 Drug Law

A criminal statute or regulation involving the manufacture, sale, distribution, dispensation, use or possession of any Controlled Substance.

3.7 Employee

Any faculty, staff, or student receiving a salary, wages, other compensation from the university.

3.8 Federal Agency

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.

3.9 Grant

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 United States Armed Forces.

3.10 Official Capacity

Employees' representation within the course and scope of their employment authorized by Boise State.

3.11 Workplace

The physical boundaries of the University and all University-owned/controlled property; to include all Boise State premises where the activities of the University are conducted, as well as locations where Employees are representing the University in an Official Capacity.

4. Responsibilities and Procedures

4.1 Policy Violations

a. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of Drugs in the Workplace or during working hours;

b. Impairment in the Workplace from Drug and/or Alcohol use;

c. A Conviction based upon conduct occurring in the traditional Workplace or where the Employee is representing the university in an Official Capacity which negatively impacts the Employee's work at the University; and

d. An Employee's failure to report the Employee's charge or Conviction, as required in Section 4.2 below.

4.2 Notice of Charges and Convictions

4.2.1 All Employees

Employees who receive a charge or Conviction related to Alcohol, Controlled Substances, or Other Drugs must notify Human Resources and Workforce Strategy within three (3) business days of the charge or Conviction. This is dictated by University Policy 7005 (Background Investigations). An Employee's appeal or intent to appeal a charge or a Conviction does not affect the Employee's obligation to report the charge or Conviction.

4.2.2 Employees Working on Grants

Human Resources And Workforce Strategy and any Supervisor who is notified of a Conviction of any Employee engaged in performance of work under a Grant or Contract for violation of a Drug Law at the Workplace, must immediately report the Conviction to the Office of the Vice President of Research and Economic Development (VPRED). The Office of the VPRED must notify the appropriate Federal Agency within ten (10) working days of notification to the University of such a Conviction.

4.3 Education and Treatment Programs

a. The University manages a drug-free awareness program to inform its Employees about this policy and the dangers of Alcohol and Other Drug Abuse. The following help may be available for combating Abuse problems:

- Medical benefits for substance abuse treatment;
- Information on community resources for assessment and treatment;
- Counseling programs; or
- The Employee Assistance Programs (EAP).

b. All information received by the University through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies. Participation in these programs is voluntary; however, the University will consider voluntary requests for help in determining any sanctions to be imposed for violation of this policy.

c. B. Further information regarding these programs and services may be secured by contacting the EAP at (877)-426-2327.

4.4 Impact to Employees

Outcomes for violations of this policy may be corrective or disciplinary in nature, depending on the severity of the violation. Employees should also be aware that they may be subject to criminal prosecution under federal, state, and local laws that specify fines or imprisonment for Conviction of violating any Drug Law or where the use of Drugs and/or Alcohol was found to be a contributing factor of a law violation. Legal sanctions are in addition to disciplinary actions by the University.

4.4.1 Who is Involved.

Human Resources and Workforce Strategy will coordinate as needed with the Employee's supervisor; the appropriate Vice President; Associate Vice President of Public Safety; and/or General Counsel (or delegated representatives of any of the above) to determine whether an Employee may continue to perform their job responsibilities or if the Employee should be placed on administrative leave to allow the University the opportunity to determine appropriate employment action. Human Resources And Workforce Strategy will take appropriate measures to ensure the confidentiality of the process, and the privacy of the employee throughout the process.

4.4.2 Corrective or Disciplinary Action

Violations of this policy or related University policies will be dealt with on a case-by-case basis following the policies and procedures applicable to faculty, staff or students. In determining the appropriate corrective or disciplinary action, the University may consider an Employee's work record, the seriousness of the violation, the safety-sensitivity of the Employee's position, whether the Employee's behavior violated the University's Workplace Violence Policy (#12040), and any other relevant factors. Disciplinary action may include but is not limited to: suspension without pay, involuntary demotion or transfer, and termination. Disciplinary action will be contemplated following University and State Board of Education Policy, and IDHR Rule.

4.4.3 Employee Treatment Programs

Boise State is firmly committed to promoting high standards of health, safety and efficient service. Employees with Abuse problems are encouraged to participate in a counseling or rehabilitation program prior to finding themselves in a disciplinary situation. Provisions under the Family and Medical Leave Act (FMLA) and/or the Americans with Disabilities Act (ADA) may provide support in this effort.

4.4.4 Voluntary Assistance

The University recognizes that Employees may have difficulties with Drug and/or Alcohol Abuse which are not immediately obvious in their job performance, but for which they wish to seek help. A confidential counseling and referral service for University Employees is provided by the Employee Assistance Program (EAP.)

4.5 Workplace Inspections

a. The University's property is subject to searches and inspections, anytime without notice.

b. When it reasonably suspects that this policy or any procedure under this policy has been violated, the University reserves the right to inspect the Workplace for Drugs, Alcohol, or paraphernalia relating to Drugs or Alcohol and to question any Employee.

c. The decision to conduct a Workplace inspection should be made jointly by the supervisor who believes the inspection would be appropriate under this policy and a representative of Human Resources and Workforce Strategy. In all cases, the Vice President for Finance and Operations, or designee, must authorize a Workplace inspection.

d. This section of the policy does not limit in any way Boise Police Department's right to conduct law enforcement activities including, but not limited to, questioning or searching any person or inspecting any University premises.

4.6 Employee Drug and Alcohol Testing (Testing of Employee subsets not already covered under University Policy 7510 (Employee Drug and Alcohol Screening)

a. Certain subsets of Employees are subject to pre-employment and/or random Drug and Alcohol testing due to their role in safety sensitive positions. See University Policy 7510 (Employee Drug and Alcohol Screening) for more details. Safety sensitive positions which could include testing are:

- Teaching at a clinical site that requires testing;
- Conducting research under a federal license that allows work with controlled substances, or as required under a grant-funded project;
- Driving with a Commercial Driver's License; or
- The Department of Public Safety.

b. All Employees may be subject to reasonable suspicion Drug and Alcohol testing.

- The recommendation to conduct reasonable suspicion testing will be made jointly by a supervisor who believes reasonable suspicion exists and a representative of Human Resources and Workforce Strategy, and must be authorized by the Vice President for Finance and Operations, or designee.
- The determination that Reasonable Suspicion exists shall be directed by procedure, and documented by the supervisor or other University trained officials and based on, but not limited to, the following factors:

c. The employer/supervisor has observed and believes that the actions, appearance, speech, body odors, or conduct of an Employee in an Official Capacity are indicative of the use of drugs, alcohol, or other controlled substances.

4.7 Shared Responsibilities

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both Employees and the University have important roles to play. All Employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on-or off-duty use of Alcohol, Controlled Substances, or Other Drugs.

a. In addition, employees are encouraged to:

- Be concerned about working in a safe environment
- Support fellow Employees seeking help
- Use the Employee Assistance Program
- Report dangerous behavior to their supervisor

b. It is the supervisor's responsibility to:

- Observe employee performance
- Document and address negative changes and problems in performance

4.8 Disciplinary Procedures and Appeals

All disciplinary procedures and appeals currently applicable to all categories of Employees will continue to be available for violations of this policy. See Section 7 of the University policy manual for classified and professional staff policies, and University Policy 4480 (Faculty Grievance Procedure) for the related faculty policy.

Minor Amendments

July 26, 2026

Revision History

July 1995; March 1997; June 2015