

Drug-Free Campus and Workplace Policy

Unit: [Human Resources](#)

Effective Date: 10/08/1990

Revision Date: 9/30/2019

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Purpose

This Drug Free Campus and Workplace Policy exists as part of the University's compliance with the Drug-Free Schools and Communities Act (DFSCA), as articulated in the EDGAR Part 86 – Drug-Free Schools and Campus Regulations, and compliance with the Drug-Free Workplace Act of 1988. This policy, which prevents the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees, works in conjunction with The University of Alabama [Alcohol and Other Drug Policy for Students](#) (including its appendices) and the [Approved Alcohol Venue Policy](#). This policy addresses the following: other University resources, standards of conduct, possible legal sanctions and penalties, statement of the health risks associated with alcohol and other drug abuse, the University's alcohol and other drug programs available to students, staff and faculty, and disciplinary sanctions for violations of the standards of conduct. Employees of the University consent, as a condition of employment, to abide by this policy.

Policy

Overview of Policy Elements

All members of the University community—including faculty, staff, and students—have the right to pursue their individual and collective goals in a healthy work and educational environment, one that is free of the effects of alcohol and substance use disorder. Such misuse adversely affects the University's achievement of its mission and is not condoned. Responsibility for problems of substance use disorder resides with each member of the University community. The University's principal approach to issues of alcohol and substance use disorder entails a wide range of education, prevention, and assistance activities conducted within its academic curricula; educational programs to inform individuals of the effects and consequence of using alcohol or other substances; and comprehensive counseling programs for faculty, staff, and students. The University recognizes that alcohol and substance use disorder are illnesses that are not resolved easily by personal effort and may require professional assistance and treatment. Faculty, staff, and students are encouraged to take advantage of the preventive, diagnostic, referral, and counseling services available through the University. 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. These include federal and state laws, city ordinances, the Code of Ethical Conduct, the Code of Student Conduct, the standards of conduct in the Faculty and Employee Handbooks, and other University policy statements. University leadership coordinates University drug use disorder education, prevention, and intervention activities.

Standards of Conduct

University Employees and Volunteers

Prohibited Conduct: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee or volunteer of The University of Alabama while they are at work for the University or at another site where the employee or volunteer is carrying out assigned duties, is prohibited. The term "controlled substance" refers to any chemical substance whose distribution and/or use is controlled or prohibited by some law or statute, or whose distribution and/or use is permitted by a prescription issued by a licensed practitioner. To ensure that all employees and volunteers are working in a safe, productive environment, the possession, distribution, or consumption of alcoholic

beverages is not permitted on the work site or on other University property during working hours, unless such occurs in the course of an authorized business or special University function that includes alcoholic beverages or where consumption was otherwise approved by the University. By extension, no employee or volunteer may report to work while under the influence of alcohol or other controlled substances.

Reporting of Convictions: As required by the Drug-Free Workplace Act of 1988 and University policy, all faculty and staff and any other employee (e.g. medical residents, fellows, post-docs, graduate assistants and student employees) working on a federal contract or grant will, as a condition of employment, abide by this Policy and [notify Human Resources](#) of post-employment criminal convictions, including drug and alcohol convictions, within five (5) days of the conviction.

Employees performing federally funded research project(s) will be further scrutinized to ensure the proper federal agency is notified of a conviction(s). The Office of Research Compliance, the Office of Contract Grant and Accounting, and the Office of Human Resources will work in conjunction to ensure proper conviction notifications and records are maintained. The term conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

Drug & Alcohol Testing Policy: Certain safety-related positions in Finance and Operations and all Brewer-Porch Children's Center positions require pre-employment drug screening. All Finance and Operations employees are subject to drug testing. Additionally, Finance and Operations employees are required to report the use of legally prescribed medication if its use may impair the ability to perform assigned duties. All medical residents and fellows involved in the University's Graduate Medical Education (GME) programs are subject to pre-appointment and reasonable suspicion drug and alcohol testing pursuant to the College of Community Health Sciences' [Drug and Alcohol Testing Policy - GME](#).

Sanctions: Violation of this Policy shall result in the prompt imposition of sanctions. (See [University Disciplinary Sanctions for Alcohol Misuse and Controlled Substance Users](#) below).

Any necessary sanctions taken against faculty, administrators, or staff will be carried out in accordance with policies and procedures published in appropriate University personnel handbooks. Volunteers in violation of this policy may be denied permission to volunteer for the University. Furthermore, this policy does not affect current policies already in place in the health professional schools of the University, which are designed to determine whether health professionals are impaired; however, any finding of impairment because of unlawful use of controlled substances in the workplace shall be subject to the disciplinary measures described below as well as to those imposed by the policy of the University's health professional schools.

Students

Prohibited Conduct: Students are required to comply with this policy and the Alcohol and Other Drug Policy for Students, and the Approved Alcohol Venue Policy. A student or student organization may be disciplined for and is deemed in violation of the Code of Student Conduct for the unlawful use, possession, sale, or distribution of any narcotic, drug paraphernalia, medicine, chemical compound, or other controlled substance that is illegal under federal, state, or local laws. The University will take disciplinary action against a student, group of students, or student organization for unauthorized use, possession, sale, or distribution of any controlled substance or illegal drug that occurs on University property or as part of any University activity. A student or student organization may also be disciplined for and is deemed in violation of the Code of Student Conduct for, the unlawful possession, or consumption on campus of alcoholic beverages, public drunkenness, or violation of state or local laws regarding alcohol use or possession.

Reporting of Arrests and Convictions: All students are required to disclose to the Office of Student Conduct any arrests or convictions that occur after their admission to the University within seven (7) calendar days of the arrest or conviction, whichever occurs first. Exceptions are described in the Self-Disclosure of Arrests and Convictions section of the [Code of Student Conduct](#).

Drug & Alcohol Testing Policy: Unless required by the Office of Student Conduct, students in general are not normally subject to drug and alcohol testing. There are exceptions, however. For example, Collegiate Recovery and Intervention

Services includes, among its counseling and intervention services, drug and alcohol testing, which may be mandated for students through the Office of Student Conduct. The Capstone College of Nursing has its own [Substance Abuse Policy and Drug/Alcohol Testing Policy](#), which requires nursing students to be tested in accordance with affiliating clinical agencies' policies and/or based on reasonable suspicion of substance abuse. Student athletes agree, as a condition of participation in Intercollegiate Athletics, to random testing, total team testing, probable cause testing and NCAA drug testing.

Sanctions: Any disciplinary actions to be taken and the disciplinary procedures to be applied for the fair adjudication of the alleged drug and alcohol violations by students will be in accordance with the Code of Student Conduct (See [University Disciplinary Sanctions for Alcohol Misuse and Controlled Substance Users](#) below).

Authorized Use of Alcohol On-Campus and Advertising by Alcoholic Beverage Companies

Designated Locations on Campus Where Alcohol May Be Consumed

The rules and regulations governing the use of alcohol on the University of Alabama campus support and are consistent with local and state laws and with those regulations governing the use and consumption of alcoholic beverages. In accordance with the University's desire to maintain a healthy educational environment, these rules are intended to promote minimal use of alcoholic beverages and use in a responsible manner. Any alcohol used on the University of Alabama campus is to be served in a responsible manner.

Locations: Certain locations on The University of Alabama campus have been designated as sites where alcoholic beverages may be appropriately served to adult groups. A current listing of these is available in the [Approved Alcohol Venue Policy](#).

Alcohol in Residential Facilities: Students age 21 and older may possess alcohol in their rooms in University residence halls or apartment complexes. Such beverages are restricted to personal use. Individuals violating regulations governing use of alcohol in residential facilities will be subject to disciplinary action, including possible eviction from the residential facility. Current rules related to the use of alcohol in UA residential facilities are maintained in the [Housing and Residential Communities Community Living Standards](#).

Advertising and Sponsorship by Alcoholic Beverage Companies

Sponsorship, or advertising of University activities by such entities as beer distributors or beer companies is permitted only if responsible drinking programs and related educational activities are the predominant focus of the advertising. The University does not accept alcoholic beverage companies' sponsorship of any University or University-related activities, nor does it accept advertising by distillers or other alcoholic beverage producers wherein:

- demeaning or discriminatory representations of individuals or groups are made;
- any form of alcohol misuse or illegal use is encouraged;
- emphasis is placed on quantity or frequency;
- drinking is portrayed as a solution to personal or academic problems, or is shown as necessary to social, sexual, or academic success; or
- the consumption of alcohol is associated with the performance of tasks or the operation of motor vehicles.

Applicable Federal, State, and Local Laws and Penalties Concerning the Unlawful Possession or Distribution of Illicit Drugs and Alcohol

Most people know that selling illicit drugs is a criminal offense punishable by fines and/or imprisonment, and that driving while intoxicated or under the influence of drugs can result in driver's license revocation or even imprisonment in some cases. It is less well known that an individual under the age of 21 can be arrested and jailed for purchasing or even attempting to purchase alcohol. Also, most students are unaware that a drug conviction under state or federal law may make a student ineligible for federal financial aid (loans, grants, work study) if the drug-related offense was committed while the student was receiving aid.

The following paragraphs, as well as the penalty schedules found on the [Alcohol and Other Drugs \(AOD\) Prevention website](#), contain an overview of federal, state, and local laws governing the possession, use, and distribution of controlled substances and alcohol. It is not intended to be an exhaustive or definitive statement of various laws, but rather is designed to indicate the types of conduct that are against the law and the range of legal sanctions/penalties that can be imposed. Students should also refer to the [Office of Student Conduct](#) for [common sanctions](#) imposed for Code of Student Conduct violations.

Federal Drug Offenses and Penalties

Possession of Controlled Substances: Federal drug possession penalties generally consider only the drug violation history of the offender. With one exception (when the possession is for personal use for which a civil penalty up to \$10,000 may be imposed if first offense), federal penalties for a person convicted of possession of any type or amount of a controlled substance can be:

- up to one-year in prison and a minimum fine of \$1,000 for a first offense;
- a minimum of 15 days and a maximum of two years in prison and a minimum fine of \$2,500 for a second drug offense; and
- a minimum of three months and a maximum of three years in prison and a minimum fine of \$5,000 for a third drug offense (21 U.S.C. § 844).

Federal Drug Trafficking: Federal drug trafficking penalties consider the type and amount of the drug involved, the offender's drug violation history, and other factors. The US Drug Enforcement Administration (DEA) maintains a list of penalties for federal trafficking offenses, a copy of which may be found on the [AOD Prevention website](#). Generally, for each drug, there is a threshold amount that brings the offender under the mandatory minimum sentencing structure. When death or serious bodily injury results from use of the drugs, first time offenders are subject to a sentence of 20 years to life, and repeat offenders are subject to a mandatory life sentence. A first offense of distributing to persons under age 21 may be punishable by twice the maximum sentence, and three times for second offenses. (21 U.S.C. § 859). If the trafficking is on premises in which a person under age 18 is present or resides, an additional penalty up to 20 years imprisonment may be imposed. (21 U.S.C. § 860a). Persons convicted of trafficking within 1,000 feet of a school or college face penalties twice as high as the maximum penalties, with a mandatory one-year prison sentence for first offenses, and three times as high for second offenses. (21 U.S.C. § 860).

Drug Paraphernalia: Any person who sells, offers to sell, transports, exports or imports drug paraphernalia is subject to up to three years imprisonment. (21 U.S.C. § 863(b)).

Other Penalties: A federal drug *possession* conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and professional and commercial licenses for up to one-year for a first offense and up to five years for subsequent offenses. (21 U.S.C. § 862). Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction, up to ten years for a second conviction, and permanent ineligibility for federal benefits for subsequent convictions. (21 U.S.C. § 862(a)). In addition, for crimes punishable by more than one-year in prison, the person will forfeit personal or real property related to the violation, including houses, cars, and other personal belongings (21 U.S.C. § 853 (a)(2) & 881(a)(7)), or vehicles, boats or other conveyance used to transport or conceal controlled substances (21 U.S.C. § 881(a)(4)). Finally, persons convicted are ineligible to receive or purchase a firearm. (18 U.S.C. 922(g)).

State of Alabama Drug Offenses and Penalties

A [list of Alabama statutes regarding](#) controlled substances, marijuana and drug paraphernalia may be found on the [AOD Prevention website](#). Crimes involving controlled substances range from Class A to Class D felonies, punishable by substantial prison terms and/or fines, with enhanced penalties if controlled substances are sold to persons under 18 years of age or within a three-mile radius of campus boundaries of a college or school. Possession of marijuana for personal use is a Class A misdemeanor for the first offense but elevated to a Class D felony for a second offense. Possessing drug paraphernalia is a Class A misdemeanor but elevated to a more serious Class B felony if sold to a person

under 18 years of age. The Department of Public Safety may suspend a driver's license for six months for persons convicted of a drug offense.

State and Local Alcoholic Beverage Laws and Penalties

A [list of Alabama statutes and City of Tuscaloosa ordinances](#) regarding alcohol-related laws and penalties may be found on the [AOD Prevention website](#). Most offenses expose a student to 30 days to six months in jail and a fine no greater than \$500. Penalties for DUI increase with the number of offenses, with the fourth DUI exposing a student to a felony charge, with imprisonment from 1-10 years and fine from \$4,100 to \$10,100. Significantly, the fourth DUI results in mandatory revocation of the person's driver's license for five years. Adults who authorize a party at a residence they control and allow the party to continue with persons under age 21 illegally possessing or consuming alcohol without taking reasonable action to prevent it expose themselves to a \$3,000 fine and up to six months in jail. Finally, in addition to criminal penalties, civil monetary damages are available through the Alabama Civil Damages Act and/or Alabama Dram Shop Act if injuries are caused by a minor who has consumed alcohol.

Health Risks Associated with Use of Controlled Substance and Misuse of Alcohol

Substance use disorders, including alcoholism are problems of staggering proportions in our society today. They are the leading causes of preventable illness, disability, and death in the U.S. and are estimated to afflict 40 million Americans. A [listing of the effects of alcohol and other controlled substances](#) may be found on the [AOD Prevention website](#).

Drug or Alcohol Counseling, Treatment and Rehabilitation Programs Available to Students and Employees

Students

The University of Alabama maintains on the [AOD Prevention website](#) a current list of resources for students who are concerned about their own use of alcohol and/or drugs, or a friend who is misusing the substances. In addition, programs are described on [that website](#), which is referenced in the [Annual Campus Security and Fire Safety Report](#), and in UA's biennial review.

Collegiate Recovery and Intervention Services: 1000 South Lawn Office Building, or call (205) 348-2727 – provides a comprehensive continuum of care for students with substance use concerns. Services range from prevention, awareness, and exploration of consequences for high risk behaviors to a supportive, safe, and engaging environment that supports students seeking or contemplating recovery.

Counseling Center: 1101 Jackson Ave., or call (205) 348-3863 – visit with a licensed counselor for counseling, prevention, and screening

Dean of Students: 3RD floor, Ferguson Student Center, 751 Campus Drive, or call (205) 348-3326 – provides group education and individual mentoring and behavioral contractual agreements for success

Office of Student Conduct: 173 Burke Hall East, or call (205) 348-8234 – on campus drug court model for serious violations of Code of Student Conduct

Student Health Center: 750 5th Ave. East, or call (205) 348-2778 – provides medical care, psychiatry services, prevention education and prevention-oriented initiatives, as well as peer education programs

University Police: 1110 Jackson Ave., or call (205) 348-5454 for campus violence or emergency issues; dial 911 if it is an emergency

Emergencies:

- Call 911 or 9-911 from a campus phone or (205) 348-5454 from off campus
- DCH Regional Medical Center Emergency Room 809 University Blvd. E. (205) 759-7111

University Employees

The [University's Employee Assistance Program \(EAP\)](#) offers free assessment, short-term counseling, and referral services for faculty, staff and their dependents. In addition, the program is intended to provide crisis intervention, as well as training and consultation services for administrators and supervisors, who need to know how to identify or make referrals for individuals whose personal problems are affecting work performance and unit morale. UA's EAP provides a national and global network of licensed and credentialed providers in multiple specialties.

The University's group health plan also provides alcohol and drug abuse rehabilitation benefits to benefit-eligible employees. Information about health insurance and the EAP is maintained on the [UA Benefits website](#).

Contact information for other facilities offering counseling and treatment services is available on the [HR website](#). Additional substance use disorder and/or substance education and prevention programs at the University are described on the [AOD Prevention website](#).

University Disciplinary Sanctions For Alcohol Misuse And Controlled Substance Users

Various disciplinary procedures are applicable to faculty, staff, and students. Violations of the standard of conduct will be addressed on a case-by-case basis, with the imposition of discipline appropriate to the severity of the violation. For each group in the University community, there are certain sanctions that can be applied in a given case. These sanctions may include corrective counseling, letters of reprimand, probation, and severance of ties with the University through expulsion or termination. An opportunity for referral to an appropriate rehabilitation program may occur, if the violation is a first offense. Referral for prosecution may occur for the most serious violations. All disciplinary procedures and/or appeals currently applicable to students and all categories of employees will continue to be available for violations of this policy.

Students: Students who violate any provision of the University's Drug-Free Campus and Workplace Policy will be held accountable for their behavior and will be subject to appropriate disciplinary action, consistent with local, state, and federal law, and the provisions of the Code of Student Conduct. Such action may include, but is not limited to, mandatory counseling, a reprimand and warning, loss of privileges, no contact order, disciplinary probation, community service or other work assignments, fines, restitution, attendance at alcohol and substance use disorder classes or other educational assignments, campus ban, University suspension, University expulsion, and/or referral to the proper law enforcement authorities for prosecution. [Common sanctions](#) for students are publicized by the [Office of Student Conduct](#).

Employees: Employees who violate this policy may be held accountable for their behavior and will be subject to appropriate disciplinary action, consistent with the Faculty and Employee Handbooks, other applicable University policy and with local, state and federal law. Such action may include, but is not limited to, mandatory counseling, mandatory participation in an appropriate rehabilitation program, corrective counseling, oral or written reprimand or warning, strict probation, reassignment to other duties, removal from extracurricular activities, committee assignments or administrative assignments, restriction on travel (domestic or abroad), loss of travel or research funds, loss of privileges of rank, reassignment of workspace, transfer or reassignment, loss of summer teaching, fines, restitution, loss of merit raise or reduction of salary, loss of eligibility for promotion for a stated period of time, unpaid suspension from employment, reduction of a faculty member's rank, revocation of tenure, termination of employment, and/or referral to the proper law enforcement authorities for prosecution.

Scope

This Drug-Free Campus and Workplace Policy applies to all members of the University community, including all full-time and part-time students; all full-time and part-time regular, temporary, and contingent-on-call employees, including faculty, administration, and all exempt and non-exempt staff; and all volunteers, student employees and interns. The policy applies to behavior that occurs on the University campus, on property owned or controlled by the University, and at University-sponsored or University-supervised activities.

Office of the Vice President of Finance and Operations

Signed: DocuSigned by: Cheryl Mowdy 9/30/2019
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Cheryl Mowdy
Assistant Vice President for Finance and Operations