

## ***SECTION 10 – Alcohol, Controlled Substances and Drug Abuse***

### **10.1 Alcoholic Beverage Policy**

The regulations and practices governing the use of alcoholic beverages apply to all members of the Shenandoah University community and their guests. The primary responsibility for knowing and abiding by the provisions of the alcoholic beverage policy rests with each individual.

The consumption of alcohol on university property, outside of official functions sanctioned by the university, is not permitted. Any employee found to be in violation of this provision will be required to undergo an assessment program. The unlawful possession, use of distribution of illicit drugs and alcohol is prohibited.

Intoxication on university property will not be tolerated. Any employee found to be intoxicated on university property will be provided transportation off of the campus and will be required to undergo an assessment program.

Any employee who is involved in an accident while driving a university vehicle must submit to screening for alcohol within one hour following the accident. Any employee driving a vehicle on campus who is involved in an accident involving sufficient injury to any party to require medical treatment must submit to screening for alcohol within one hour following the accident.

If probable cause to suspect alcohol abuse by an employee is shown to exist, the employee will be required to undergo an assessment program. Probable cause shall be defined as excessive unexplained absenteeism or documentation of repeated inability to perform job responsibilities.

Any employee found to be in violation of the policy will be required to undergo an assessment program and will be required to follow the recommendations of the assessment. The assessment program will be an evaluation by any licensed substance abuse/chemical dependency counseling agency. The employee must undergo any treatment found necessary by the assessment. Any employee who refuses to undergo assessment and treatment will be dismissed.

### **10.2 Controlled Substance Abuse Policy**

Shenandoah University has a vital interest in maintaining safe, healthy and efficient working conditions for employees. Being under the influence of drugs or alcohol on the job may pose serious safety and health risks to students and employees, campus operations and all individuals who come into contact with the facilities; therefore, employees will not be permitted to work while under the influence of drugs or alcohol.

Employees may not use, possess, distribute, sell or be under the influence of alcohol or engage in the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs while on the university's premises and while conducting business-related activities off the university's premises.

Employees who appear to be unable to perform job responsibilities may be subject to drug and/or alcohol testing. A positive drug or alcohol test, or refusal to comply with such a request, may result in disciplinary action, up to and including termination of employment and/or required

participation in a substance abuse rehabilitation or treatment program. Violations of this policy may also have legal consequences. The following are considered a refusal to be tested:

- Failure to appear for testing
- Failure to appear for testing in a timely manner, as determined by the university
- Failure to provide a specimen
- Failure to allow direct observation for reasonable suspicion
- Providing an insufficient specimen without a valid medical reason
- Providing an adulterated or substituted specimen

Off-the-job illegal drug use or possession may also result in disciplinary action, up to and including termination of employment. An employee who is convicted of any drug-related offense while off duty may be subject to disciplinary action since the employee's actions may adversely impact either the employee's ability to perform his/her job or Shenandoah University's reputation in the community.

Under the Drug-Free Workplace Act, if an employee performs work for a government contract or grant, the employee must notify Shenandoah if he/she has a criminal conviction for drug-related activity that happened at work. The employee must make the report within five days of the conviction.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to effectively perform the essential functions of the job in a safe manner and does not endanger other individuals in the workplace.

Employees with questions or concerns about substance dependency or abuse are encouraged to contact their immediate supervisor or the Office of Human Resources to receive assistance or referrals to appropriate resources in the community.

Shenandoah University encourages all employees with drug or alcohol dependency to seek treatment and, if needed, to request assistance in locating treatment facilities. Current employees, who test positive for drugs or alcohol and who do not hold safety sensitive positions, may be granted the opportunity to continue employment with Shenandoah contingent upon the following:

1. Successful completion of a certified substance abuse rehabilitation or treatment program **and**
2. medical documentation of such completion **and**
3. compliance with the university's Drug-Free Workplace Policy **and**
4. a negative drug and/or alcohol test before returning to work.

Employees who hold safety sensitive positions are at greater risk of injuring themselves or others. These employees are therefore subject to immediate termination upon receipt of a positive drug and/or alcohol test unless they voluntarily disclose substance dependency or abuse prior to testing and request immediate medical assistance.

If employees have questions or concerns about substance dependency or abuse, they are encouraged to use the Employee Assistance Program. Employees can also discuss these matters with their supervisor or the Office of Human Resources to get help and referrals to community resources.

If an employee has a drug or alcohol problem, he/she may request unpaid time off to participate in a rehabilitation or treatment program through their health insurance benefit coverage, if the substance abuse problem has not already resulted in disciplinary action and the employee is not currently subject to immediate disciplinary action. Each request will be reviewed individually and is subject to the approval of the vice president of their department. If eligible, the employee may use any available accrued medical and/or vacation time.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their immediate supervisor or the Office of Human Resources without fear of reprisal.

### **10.3 Drug Testing**

Shenandoah University is committed to fostering a safe, efficient and productive work environment for all employees. It is important to provide a safe and drug free environment for the employees. Shenandoah University does require applicants to undergo post-offer, pre-employment drug and alcohol screening. The sale, use, or possession of controlled substances, the abuse or misuse of prescription drugs, and the abuse of alcohol are inconsistent with Shenandoah's objective of operating in a safe and efficient manner.

All employees will be asked to undergo a post-accident drug test whenever an on-the-job accident occurs or when operating a university-owned or leased vehicle. Similarly, an employee may be tested upon reasonable suspicion of a violation of this policy, which may be based upon, but not limited to, the following: specific observation of actual use or possession of alcohol or illegal drugs; physical symptoms of having used those substances such as uncommon speech or body odor; observation of abnormal conduct or erratic behavior; or the receipt of information when the nature of the information suggests that the source was reliable and credible.

If an employee refuses to cooperate with testing procedures, employment will be terminated. If the results of the initial test indicate that the employee is or was under the influence of a controlled substance or alcohol, a second confirming test will be conducted on the original sample. Employment options will consist of a leave of absence or termination.

The Employee Assistance Program can provide an employee confidential counseling and referral services with problems such as drug and/or alcohol abuse or addiction. It is the employee's responsibility to ask for assistance from the Employee Assistance Program before the university has to take disciplinary action because of the employee's judgment, performance, behavior or a job-related accident. While the university supports the use of the Employee Assistance Program to get help, the university may still take disciplinary action, up to and including discharge.

The policies are available on the university's portal page for all employees to view, and copies of the Substance Abuse Policy are provided to employees during orientation. For questions about the drug testing policy or its administration, contact the Office of Human Resources.

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