



SOUTHERN UTAH UNIVERSITY
Policies and Procedures

Policy # 5.9
Date Approved: 07/27/90
Date Amended: 07/01/98
Reviewed w/no Changes:
Office of Responsibility: VP Fin
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SUBJECT: DRUG-FREE WORKPLACE

- I. **PURPOSE:** To provide a policy for the maintenance of Southern Utah University's commitment to a drug and alcohol free workplace that is in compliance with appropriate state and federal statutes.

- II. **STATEMENT OF COMMITMENT:** Southern Utah University has a strong commitment to its employees to provide a safe workplace and to establish programs that promote a high standard of employee health and efficiency. Consistent with this commitment, Southern Utah University has implemented this policy to reinforce its continuing goal of establishing, maintaining, and supporting a work environment that is free from the effects of the abuse of alcohol and use and abuse of controlled substances.

- III. **SCOPE OF POLICY:**
 - A. This policy applies to all employees of Southern Utah University including faculty, officers of administration, staff, full-time, part-time, temporary and student employees.

 - B. All present and/or future employees covered under this policy agree to perform under the terms and conditions of this policy, as a condition of employment with the University.

 - C. A copy of this policy will be distributed to current employees at the time of initial approval and to all newly hired employees thereafter.

- IV. **REFERENCES:**
 - A. Policy and Procedure II-144, Termination of Non-academic Staff Employees and Disciplinary Sanctions.

 - B. Policy and Procedure II-18, Employment Grievances.

 - C. Due process procedures as contained in Faculty Academic Freedom, Professional Responsibility, and Tenure Policies.

- V. **DEFINITIONS:**
 - A. **Discipline.** All employment related actions undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.



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- B. Sanctions. Disciplinary measures imposed upon employees including, but not limited to an oral or written reprimand, warning letter, probation, suspension with or without pay, or dismissal from employment.
- C. Conviction. Finding of guilt for a drug or alcohol related crime by a court of competent jurisdiction, including a "No Contest" plea.

VI. POLICY:

- A. It is the policy of Southern Utah University to maintain a drug and alcohol free workplace.
- B. Southern Utah University expects employees to report to any work assignment unimpaired and in condition to perform their duties safely, efficiently, and unoffensively. It is not the goal or purpose of this policy to intrude into the private lives of University employees. The responsible use of alcohol is each individual's personal choice. Unsatisfactory job performance, poor attendance, or conduct and behavior, caused by alcohol or substance abuse, is detrimental to the University, its employees, the community, the State, and to any person or agency with whom the University serves or conducts business, and will not be tolerated.
- C. The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances and/or the unauthorized and/or unlawful manufacture, use, sale, dispensing, or possession of alcohol in the workplace is expressly prohibited. The workplace includes University property, University vehicles, or any other location while on official duty for the University.
- D. Responsible use of alcohol in connection with University related off-campus business meals, travel, entertainment, conferences, workshops, conventions, seminars and association meetings, or other appropriate social settings where alcohol is not expressly prohibited is not a violation of this policy.
- E. When a supervisor has reasonable grounds to suspect that an employee is not fit for duty, the supervisor shall see that the employee is removed from the workplace to a safe, non-threatening environment. An employee's refusal to comply with a supervisor's request to be removed from the workplace under the conditions of this policy shall be considered insubordination and may result in disciplinary action. Supervisors shall refrain from making specific diagnosis, since this can only be effectively done by trained professionals. As soon as possible after the incident, the supervisor should meet with the



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employee and others as needed to determine whether there is sufficient evidence to support a violation of this policy, and, if necessary, shall follow the procedures as referenced in Section IV.

- F. The University may impose disciplinary sanctions upon any employee who is determined to have violated this policy. Progressive sanctions will be imposed under the discipline policies of the University found in the Faculty Policies or the Personnel Policies and Procedures for Non-academic staff, as applicable. Depending on the frequency and seriousness of the offense, additional sanctions may be imposed as follows:
1. Satisfactory participation in an alcohol, drug, or substance abuse assistance or rehabilitation program. This step will be mandatory for second-time offenders of any violation of this policy or any first-time offender who is convicted in a court of law of a workplace offense, unless the offense is deemed serious enough to result in termination.
 2. A mandatory requirement that an employee who is convicted in a court of law for a workplace violation of this policy provide notification of the conviction to the University Human Resources Office within five (5) days of the conviction. Failure to do so could result in immediate termination.
 3. The University must impose sanctions on an employee convicted of a workplace violation within 30 days of the conviction. The minimum sanctions that will be imposed upon an employee convicted of a violation include participation in an education/rehabilitation program as outlined in above and mandatory probation for at least 90 days with weekly supervisory reviews. The University reserves the right to terminate any employee convicted of a workplace offense if it is deemed to be in the best interest of the University to do so and is consistent with the Institution's policies referenced in Section IV. All convictions resulting from buying, selling, transferring or trafficking controlled substances in the workplace will be cause for mandatory termination.
- G. The University Human Resources Office shall notify the University Contracts and Grants Office within 24 hours of receiving notification of a conviction of any employee who is paid on any Federal contract or grant. The Contracts and Grants Office will be required to notify the contracting agency (or



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agencies) from which the employee is paid within nine (9) days of notification from the Human Resources Office.

- H. Employees undergoing prescribed medical treatment by a licensed physician with a controlled substance which might impair their ability to perform their work in a safe and efficient manner shall report this treatment to their supervisor. Impacts on the employee's ability to perform should be assessed and appropriate action taken to insure safe operation.
- I. Employees who realize they have an alcohol or substance abuse problem are encouraged to voluntarily seek confidential assistance as referred through the Human Resources Office. The University will not discipline an employee because he/she voluntarily came forward seeking assistance; however, future performance, conduct and attendance must remain satisfactory.

VII. EDUCATION AND REHABILITATION

- A. **Voluntary Self-Referral:** The University encourages employees who have an alcohol or controlled substance abuse problem to deal with that problem voluntarily through referrals from the University's Human Resources Office. This referral is voluntary and confidential. Any employee who feels that he/she has developed an addiction to or dependence on alcohol or drugs is encouraged to seek assistance through available programs. Employees covered on the University's group medical plans have financial assistance available for these purposes.

Employees who voluntarily seek assistance for an alcohol or drug dependency related problem before it becomes a subject of formal discipline will not be placing their job in jeopardy. Rehabilitation, however, is the responsibility of the employee.

- B. **Supervisor - Referral/Assessment:** Employees who have not voluntarily dealt with an alcohol or drug related problem and whose conduct, performance, or attendance appears to violate this policy will be subject to sanctions by the University as a condition of continued employment. Supervisors should use the following procedures and guidelines for determining possible violations.
 - 1. **Accidents:** Employee involvement in accidents causing property damage or serious personal injury or accident or near-miss situations caused by lack of perception, alertness, or manual dexterity, may be



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grounds for investigation for alcohol or controlled substance abuse to determine fitness for duty.

2. **Observed Behavior - Objective Criteria:** The supervisor is responsible for making an initial assessment as to whether an employee is able to perform in the workplace. Such a determination should be based on the supervisor's objective observation of an employee's ability to perform all job duties safely and efficiently as well as the employee's conduct and attendance. In making this determination, the supervisor is not "diagnosing" but merely noting "behaviors." In some instances an illness or disease may mimic the symptoms of alcohol or substance abuse.

The University will not tolerate the use of this policy to harass or intimidate employees.

- C. **Employee and Supervisor Training and Education:** The University views education and training as an extremely valuable tool in preventing, recognizing, and treating the diseases of alcohol and substance abuse. As such, it feels all employees should have the opportunity to learn as much as possible about these diseases. For this purpose educational classes will be made available to both employees and supervisors.