

Drug-Free Workplace Policy

(Adopted pursuant to the Drug Free Workplace Act of 1988)

A. Statement

Recognizing that drug use poses health and safety hazards to employees/students and to the community at large, the University considers the abuse of drugs to be a very serious matter, one that cannot be tolerated in the workplace or classroom. Therefore, it is the policy of the Southern University and A & M System to maintain a drug-free workplace and environment conducive to the learning process. All employees/students are notified that it is unlawful to manufacture distribute, dispense, possess, or use any illegal drug or alcohol or to abuse controlled substances in the workplace and classroom or other related areas associated with the learning process including the dormitories. Such actions are prohibited on all University property and at any other location where employees/students are conducting University business.

B. Definitions

For purposes of this Policy Statement, the following definitions shall apply:

- **Drug** - any substance, other than food, which when inhaled, injected, consumed, or introduced into the body in any manner, alters mood or function.
- **Drug Abuse** - any continuing use of an illegal drug, alcohol, or controlled substance which produces problems for the user, his/her family or society at large.
- **Unlawful Manufacture** - to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis, compounding, or any combination of the same and includes packaging, repackaging, labeling, and other activities incidental to production.
- **Distribute** - to deal in, ship, transport or deliver. This does not include the administering or dispensing of a drug by a person authorized or qualified to do so (i.e. physician, pharmacist, etc.).
- **Dispense** - to sell, leave with, give away, dispose of, or deliver.
- **Possess or Possession** - having control over a thing or substance. Possession may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- **Use** - the taking, partaking or utilizing of a drug or other controlled substance.
- **Drug Abuse Offense** - corrupting another with drugs, trafficking in drugs, abusing drugs (including abuse of alcohol), possessing drug abuse instruments, permitting a dangerous drug, processing drug documents illegally, abusing harmful intoxicants, or dispensing drug samples illegally; violating any state or federal law that is substantially equivalent to any of the above offenses; violating any state or federal law in which planting, cultivating, harvesting, processing, making, manufacturing, producing,

shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, including

- **Controlled Substance** - a drug, compound, mixture, preparation, or other substance as defined in 40:961 to 40:995 of the Louisiana Revised Code, or as defined by applicable statutes of other states and the Federal government.
- **Reasonable Suspicion** - a belief based on objective and documented facts to lead a prudent University authorized supervisor to suspect that employee/student is using drugs or alcohol.

C. Compliance with University Substance Abuse Policy

1. All employees/students of the Southern University System are expected to abide by the terms of this policy. An employee/student found in violation of this policy shall be subject to appropriate sanctions and penalties. Such penalties and sanctions may include but are not limited to referral for counseling, written or oral reprimands, suspensions with or without pay, or termination, in accordance with the established rights of the employee /student, including the right to due process.
2. All University employees/students who are engaged in employment or other work under the terms of any grant from an agency of the Federal government shall as a condition of employment be required to:
 1. Acknowledge receipt of and to abide by the terms of the University's drug-free policy.
 2. Notify his/her administrative supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction any employee who fails to report such a substance abuse conviction within five (5) days will be subject to sanctions, up to and including termination of employment.
3. Upon receipt of notice under the preceding paragraph or if the University should otherwise receive actual notice of such conviction, the University shall notify the granting or contracting agency within ten (10) days after receiving such notice.
4. The principal investigator of any grant, project, or contract from a Federal agency is required to insure that each employee engaged in the performance of the grant be given a copy of this policy and be required to acknowledge its receipt.
5. Any employee/student who is in any way chemically dependent must comply with a University approved assistance program if the dependency is disclosed. Failure to do so can result in the sanction and penalties described in C1 (above).
6. No identified employee/student will be allowed on University property and at any other location where employees/students are conducting University business under the influence of drugs, alcohol, or any abused controlled substance (for alcohol use, see Student Alcohol Use).
7. Upon receipt of a notice of conviction of an employee for violation of any criminal drug statute, the University, within thirty (30) days of receiving such notice, shall:
 1. Take appropriate Human Resources action against such an employee subject to established disciplinary procedures, up to and including termination, in accordance with requirements of due process; or

2. Require such employee to satisfactorily complete a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

D. Searches and Inspections

The University authorized supervisor has the right to conduct on-the-spot searches and inspections of employees/students and their personal effects as described above if said supervisor has a "reasonable suspicion" or the employees/students are in violation of this policy.

E. Drug Testing

Searches and inspections under this policy may also include unannounced Urine Drug Screening. This test may be used under the following circumstances:

- For pre-employment examinations.
- When an authorized University supervisor has a reasonable suspicion or just cause that an employee/student is intoxicated, using or under the influence of controlled drugs.
- When an employee/student is found in possession of a suspected controlled substance or a controlled substance is found in an area controlled by the employee/student.
- Following a serious accident or incident in which safety precautions were violated or careless acts were performed.

F. Due Process

If any disciplinary action is taken against an employee under this policy, such an employee has the right to due process. The Faculty Handbook, Handbook for University Personnel, the Code of Student Conduct, and collective bargaining agreements list these procedures.

G. Good Faith Effort

The University, in adopting and implementing this policy pursuant to the Drug-Free Workplace Act of 1988, further certifies that it will make a good faith effort to maintain a drug-free workplace and to respect the privacy rights of its employees.