

Policy Number/Title: 4.413 Drug-Free Workplace
Effective Since: 10/01/2016
Last Revision Approved: 10/01/2016
Responsible Office: Human Resources

1. Scope:

The provisions set forth below apply to all persons employed by Winthrop University.

2. Definitions:

This section was intentionally left blank.

3. Policy:

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

A. Applicability

The provisions set forth below apply to all persons employed by Winthrop University.

B. Statement of Policy

In order to comply with the provisions of the Drug Free Workplace Act of 1988, it is the policy of Winthrop University that the workplace shall be free from the illegal use, possession or distribution of controlled substances (as defined in the Controlled Substances Act). Controlled substances include, but are not limited to, marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

Employees are expected to report for work and while at work to remain in condition to perform assigned duties free from the effects of controlled substances. It is the University's



intent and obligation to, in good faith effort, and on a continuing basis, provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of controlled substances on property owned or controlled by Winthrop University, or while conducting university business off university property, is prohibited. Any illegal substances discovered on university property will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

C. Violations

1. Disciplinary action, which may include suspension without pay and/or termination, will be taken against any employee who is found to be in violation of this policy.
2. Any employee of Winthrop University who is convicted of a drug-related offense for a violation occurring on university property or while conducting university business must report that conviction to both the department head and the Vice President for Human Resources, Employee Diversity and Wellness in writing within five calendar days of the date of that conviction. Failure to provide notification will result in the termination of employment with Winthrop University.
3. The fact that an employee is convicted of a controlled substance related offense may affect the status of his/her employment. The nature of the offense together with the nature of the employee's work assignment will be considered by the appropriate administrative officer in determining what actions should be taken by the university. Actions which may be taken include but are not limited to transfer, demotion or termination of employment.

When appropriate, the employee may be required to successfully complete a substance abuse assistance or rehabilitation program as a condition of continued employment.

D. Federal Grants and Contracts

The Drug Free Work Place Act of 1988 places an emphasis on persons who are directly involved with a federal grant or contract. Accordingly, university employees engaged in the performance of activities funded in whole or in part by a grant or contract should be aware of the following:

1. University employees working directly on a federal grant or contract will be required to sign a statement indicating that they have received, read, and understand the university's Drug Free Workplace Policy and agree to abide by this policy as a condition of employment. This statement will be maintained in the employee's official personnel file.
2. As outlined in section III B, an employee convicted under a criminal drug statute must



notify the department chair and the university's Vice President for Human Resources, Employee Diversity and Wellness in writing within five calendar days from the date of the conviction. Additionally, the University must notify the funding agencies of any employee conviction for drug activity within ten calendar days of such notice from an employee.

3. Disciplinary action, which may include suspension without pay and/or termination, will be taken against any employee working directly on a federal grant or contract who is found to be in violation of this policy. Violation of this policy by employees working directly on a federal grant or contract and who are classified as temporary employees may result in immediate termination of employment.

4. Any employee working on a federal contract or grant who is found to be in violation of this policy and remains employed with the university will be required to satisfactorily complete a drug abuse assistance or rehabilitation program which has been approved for such purposes. Failure to satisfactorily complete the drug abuse assistance or rehabilitation program may result in termination of employment.

5. Any convictions under criminal drug statute may result in the suspension of further payments to the grant recipient under the grant agreement and could result in the termination of the grant program and/or suspension or debarment from future grant programs. A conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any federal body charged with the responsibility to determine violations of state or federal criminal drug statutes.

E. Assistance

Winthrop University recognizes the growing problem of substance abuse in society. It is recognized also that dependency on controlled substances can be treated and controlled. Any employee experiencing a substance abuse problem is encouraged to seek assistance to resolve the problem before disciplinary action becomes necessary. An employee experiencing such problems may request assistance by contacting the Vice President for Human Resources, Employee Diversity and Wellness or the professional staff of Counseling Services. Community agencies also have programs designed to assist those experiencing substance abuse problems.

No disciplinary action will be taken under this policy against an employee who requests assistance under this provision. This exclusion will not apply if disciplinary action has been taken or is being considered because the employee has violated other provisions of this policy prior to requesting assistance.

F. Drug-Free Awareness Program

In accordance with the Drug Free Workplace Act of 1988 and the U.S. Education



Department General Administrative Regulations (EDGAR), Winthrop University has developed an on-going drug free awareness program for all employees. The following steps have been implemented in order to inform employees of the dangers of drug abuse in the workplace, the university's policy of maintaining a drug free workplace, available drug counseling, rehabilitation and employee assistance programs, and the penalties that employees may incur for drug abuse violations in the workplace.

1. The university will distribute in writing (via email) to each employee a copy of Winthrop University's Drug Free Campus and Crime Prevention Statement on an annual basis. This statement includes:

- a. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as a part of any of its activities;
- b. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- c. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- d. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- e. A clear statement that Winthrop University will impose disciplinary sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct as described in Section III of the Drug Free Campus and Crime Prevention Statement.

The President shall appoint a committee to conduct a biennial review of its drug prevention program to determine its effectiveness, recommend needed changes and ensure that disciplinary sanctions are consistently enforced. The committee shall submit a written report to the President for his review.

4. Procedures:

This section was intentionally left blank.

5. Resources:

This section was intentionally left blank.

6. History of Revisions:



10/01/2016 Minor Revisions
02/01/2010 Policy first established

7. Approvals:

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: