

2.3.3 Employee Drug and Alcohol Policy

2.3.3.1 Introduction and Policy Statement

Huston-Tillotson University is committed to maintaining a safe and healthful environment for members of the University community by promoting a drug-free environment as well as one free of the abuse of alcohol. In accordance with both the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, Huston-Tillotson University strictly prohibits the unlawful manufacture, sale, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as a part of any University activity. Certain University sponsored events (e.g., Masked Ball Gala, receptions) may permit service and/or consumption of alcoholic beverages by persons who have reached the age of twenty-one or older as complimentary to that event. Under no circumstances should a University sponsored event or event taking place on University property have the consumption of alcohol as its primary focus. All faculty, staff and students must comply with this policy as a condition of their employment or enrollment. Faculty and staff members are prohibited from reporting to work under the influence of alcohol, chemicals, or drugs, including legally obtained prescription drugs, which impair one's ability to perform normal work activities.

2.3.3.2 Violations

Any employee engaged in such prohibited conduct, or convicted of a crime involving a workplace drug or alcohol violation, will be subject to discipline, up to and including discharge. The University will weigh all relevant facts and circumstances in reaching a decision to discipline. Without regard to, and independent of its decision to impose discipline, the University retains the right to require that an employee who engages in prohibited conduct participate in, and successfully complete, a substance abuse assistance or rehabilitation program. In addition, University employees must report in writing to the Office of Human Resources within five (5) calendar days of any drug or alcohol related arrest or conviction occurring in the workplace, in the conduct of University business, or in the employee's non-work related activities. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of State or Federal criminal drug statutes.

Nothing contained in this policy statement concerning employees will be construed to limit or in any way restrict the University's treatment of drug and alcohol related incidents involving any of its employees or students.

2.3.3.3 Authorized Use of Prescribed Medicine

Faculty and staff members undergoing prescribed medical treatment with any drug that interferes with their work activity must report this treatment to their supervisor and the Office of Human Resources. Prescribed medication should be kept in its original container, which identifies the drug, date, and prescribing doctor.

2.3.3.4 Pre-Employment and Random Testing

All offers of employment in safety sensitive positions, including offers of regular or temporary employment, will be contingent upon satisfactory results of a drug test. Furthermore, the University may require drug tests on a random basis for current employees serving in those safety sensitive positions which, by definition, involve critical tasks that, if performed improperly, could result in risk or harm to others. Positions in the following departments are currently deemed safety sensitive by the University:

- Campus Safety Department
- University Health Services (all persons who may be involved in patient care including nurses and counselors)
- Athletic Department Trainers and Coaches
- Key Student Affairs staff including Resident Assistants
- Commercial Drivers' License holders as required by the federal Department of Transportation regulations.
- Individuals who operate University vehicles

The University may change this list if positions are added or changed to include tasks involving significant risk.

2.3.3.5 For-Cause Testing

By its very nature, for-cause testing is based upon indicators of drug or alcohol usage. With this in mind, the University may request an employee, as a condition of his or her employment, to undergo drug and/or alcohol testing if the University has a reasonable belief that the employee may have violated the Drug and Alcohol policy. Such reasonable belief may be based on, but not limited to, the following factors:

- The employee exhibits physical signs of alcohol and/or illegal drug use;
- The supervisor or other University representative reasonably believes that an employee's unsatisfactory job performance, misconduct, or poor attendance may be related to drug or alcohol use;
- The employee has a work-related accident that (i) results in damage to University property or physical injury to another person, (ii) is the second or more work-related accident the employee has experienced, or (iii) if the employee seeks medical treatment, the examining physician reasonably believes the accident was related to drug or alcohol use;
- The University obtains reliable information that the employee has or may have violated the University's Drug and Alcohol policy, or that Drug and Alcohol policy violations have or may have occurred in a department or unit at the University in which the employee works.

Employees who are exhibiting physical signs of alcohol and/or illegal drug use should be reported immediately to the Office of Human Resources or Campus Safety for further investigation.

2.3.3.6 Drug and Alcohol Counseling, Treatment or Rehabilitation or Re-Entry Programs

Early recognition and treatment of drug or alcohol abuse are important for successful rehabilitation and for reduced disruption on both a personal and professional level. Huston-Tillotson University supports the earliest possible diagnosis and treatment for drug and alcohol abuse and encourages members of the campus community to voluntarily seek assistance. A variety of resources exist for drug or alcohol counseling, treatment and rehabilitation programs.

Available University resources include: Counseling and Consultation Center (512.505.3046), Health Services (512.505.3039), and Campus Ministry (512.505.3054). Employees may also contact the Employee Assistance Program (1.800.343.3822).

Numerous non-University counseling programs exist in the Greater Austin area. Consultation with one's personal physician is advised prior to self-referral to such non-University programs.

2.3.3.7 Health Risks

It is important to recognize that the effect drugs and alcohol can have on an individual cannot be predicted. Everyone's brain and body chemistry is different and, therefore, each individual's tolerance is different. Using drugs and alcohol can significantly impair the judgment and coordination of an individual and has the potential to lead to abuse, addiction, serious health problems and even death. Drugs that are legal-prescription and over the counter (OTC) medications can be just as dangerous as illegal drugs.

Drugs: A detailed description of the health risks associated with abuse of controlled substances can be found U.S. Department of Justice's Drug Enforcement Administration website www.dea.gov

Alcohol: A detailed description of the health risks associated with the abuse of alcohol can be found at the Center for Disease Control and Prevention website <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

2.3.3.8 Legal Sanctions

Local, state and federal laws prohibit the unlawful possession, use, distribution, and sale of alcohol and illicit drugs. Criminal penalties for violation of such laws range from fines to imprisonment for terms up to and including life.

2.3.3.9 Loss of Workers' Compensation Benefits

The Texas Workers' Compensation Act may require the forfeiture of benefits or compensation otherwise payable to an employee when the use of alcohol or non-prescribed controlled drugs is the proximate cause of the employee's injury. At a minimum, the Act provides for a reduction in benefits or compensation when the employee is injured while using alcohol or non-prescribed controlled drugs.

2.3.3.10 Inspections

The University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when it reasonably suspects that this policy or any procedure under this policy has been violated. Student drug and alcohol policies may be found in Volume VII, Student Handbook.