



# **CAMPUS DRUG AND ALCOHOL POLICY FOR UNIVERSITY EMPLOYEES**

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# CAMPUS DRUG AND ALCOHOL POLICY FOR UNIVERSITY EMPLOYEES

## I. STATEMENT OF POLICY

This policy is intended to comply, at a minimum, with the Drug-Free Schools and Communities Act of 1989, which mandates that institutions of higher education adopt and implement a program designed to prevent the unlawful possession, use, dispensation, or distribution of illicit drugs and alcohol by employees and provide certification to the Department of Education that such a program is in place. This policy also sets forth the University’s drug-testing procedures for its employees. This policy does not address the use of drugs or alcohol by students or the consequences for unlawful or unauthorized use by students. Current campus drug and alcohol policies related to students are available in the Oklahoma City University Student Handbook.

Alcohol abuse and illegal drug use pose a significant threat to the University’s goals. Oklahoma City University is committed to protecting the safety, health, and well-being of all employees, students, and other individuals on campus and to promoting a healthy and productive environment, free of illegal drugs. The University also seeks to embody the position of the United Methodist Church with respect to the use of alcohol. The Social Principles of the United Methodist Church place emphasis on abstinence from the use of alcohol as “a faithful witness” but allow for persons to exercise reasonable discernment regarding “judicious use with deliberate and intentional restraint, with Scripture as a guide,” while at the same time encouraging us to “assist those who have become dependent, and their families.” [Social Principles, ¶ 162L.]

The University prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace, on its premises, or as a part of any University-sponsored activities.

The University, as a general rule, prohibits the use of alcohol in University-owned facilities, unless the Executive Committee of the University Board of Trustees has designated a particular facility (or portion of a facility) as an appropriate venue where alcohol may be served during special events.<sup>1</sup> The Executive Committee’s designation of a venue may be a general designation, or the designation may be specific to a single event. If the Executive Committee

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<sup>1</sup> At any special event described in this policy, alcohol must be served by a licensed bartender acting in accordance with Oklahoma bartending licensing regulations.

makes such a designation, this policy would not prohibit the lawful, judicious, and non-excessive consumption of alcohol by a non-student employee who is of legal age at an event held in that venue.

The University also prohibits employees' consumption of alcohol during working hours. This policy does not, however, prohibit the lawful, judicious, and non-excessive consumption of alcohol by a non-student employee who is of legal age when the employee (1) is authorized in advance by his or her supervisor to act as a representative of the University at a special event, or (2) is authorized in advance by a dean or vice president pursuant to the University's Business Expense Policy to provide or consume alcohol while hosting an external constituent of the University. The advance authorizations described in this paragraph must be explicit – i.e., an employee's supervisor, dean, or vice president may authorize an employee to represent the University or host a University guest but may not choose to additionally authorize the employee to consume or purchase alcohol at the event.

## **II. DISCIPLINE**

Although the University considers the violation of this policy to be a major offense, the University prefers, when appropriate, to use a policy of developmental discipline and rehabilitative education, as opposed to mandatory punishment or termination. However, the University will terminate its relationship with employees who persist in their use of illegal drugs or in their unlawful possession of any substance, including alcohol. Violators of this policy will be subject to discipline up to and including termination of the employment of the violator. Violators of federal, state, and local laws related to illegal alcohol and drug use will be referred to the proper authorities for prosecution and may be subject to a variety of legal sanctions, such as fines, incarceration, and/or community service requirements.

## **III. SEEKING HELP**

The University encourages employees to voluntarily seek help with drug and alcohol problems. Assistance will be offered to any employee who is suffering from the abuse of any substance. This help may be in the form of educational programs, on-campus counseling, or off-campus counseling referrals. Rehabilitation programs may also be available. In such cases, the employee must agree to and abide by the University's policies as a condition of remaining on campus.

## **IV. DRUG TESTING PROGRAM FOR EMPLOYEES OF THE UNIVERSITY**

To further provide a safe environment, the University has adopted a workplace drug testing policy to provide appropriate employee screening, employee education and training, security of the work area, and the effective management of situations involving drugs and alcohol with respect to individuals who fall under the University's authority. The University reserves the right to test for substances, drugs and alcohol as defined in the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, including controlled substances approved for testing by rule by the Oklahoma State Commissioner of Health, to the extent allowed by the law.

### **A. Pre-Employment Substance Testing**

Under the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, the University may require any job applicant to undergo drug or alcohol testing based on breath, saliva, urine, blood, and/or hair samples, and the University will consider a refusal to undergo testing, or a positive test result, as a basis for refusal to hire.

Any offer of employment with the University for a position as police officer, facilities department employee excluding administrative assistant, scene shop employee, or registered nurse, nurse practitioner, or physician is contingent upon the results of a substance test in accordance with this policy. Prospective employees must consent to collection of drug testing samples, and the prospective employee will be directed to the location for the collection and testing. Individuals to whom a contingent offer has been made but whose pre-employment substance tests return positive (except with respect to prescription drugs and over-the-counter medications) will be ineligible for employment.

Should a candidate fail his or her initial drug test, he or she will have the option of re-testing within 24 hours of the candidate's receipt of notice of the positive test, at the candidate's expense unless the confirmation test reverses the findings of the challenged positive test. For applicants who test positive after having received an offer of employment that is contingent on a drug screen, the contingent offer of employment will be revoked. Refusal to undergo testing will be basis for refusal to hire.

The employment applicant has the right to obtain all information and records related to the testing and to have the test results explained in confidence, and the results of the tests will be divulged only to those University personnel with a need to know those results.

### **B. Other Substance Tests**

The University may periodically conduct substance tests based on breath, saliva, urine, blood, and/or hair samples under any of the circumstances noted below. Any employee subjected to any substance test will be required to sign a Substance Test Consent Form. Refusal to sign the form or leaving the work area prior to the substance test without permission of the supervisor, or refusal to cooperate in any way with the testing process, will be grounds for immediate termination of employment. In the event an employee consents to a substance test but fails to sign a Substance Test Consent Form, his/her failure will not invalidate the consent for the testing. The University will be responsible for paying all costs of the required testing for drugs or alcohol. An employee who requests a re-test of a sample in order to challenge the results of a positive test must make that request within 24 hours of the employee's receipt of notice of the positive test; and the employee must pay all costs of the confirmation test, unless the confirmation test reverses the findings of the challenged positive test. In such case, the University will reimburse the employee for the costs of the re-testing.

At the discretion of the University, employees reasonably believed to be in violation of this policy may be placed on administrative leave with pay pending test results.

### **1. Post-Accident Testing**

If the University has reason to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e., requiring medical treatment) as a result of being under the influence of drugs, alcohol or other prohibited substances, the supervisor may require the injured employee to undergo a post-accident substance test. Refusal to submit to the substance test will be grounds for immediate termination of employment.

### **2. Fitness for Duty Testing**

Employees that the University reasonably believes to be unfit for duty as a result of the use of drugs, alcohol, or other prohibited substances will be subject to substance testing.

Circumstances supporting the University's reasonable belief that substance testing is justified include, but are not limited to, the following:

- a. Drugs or alcohol on or about the employee's person or in the employee's vicinity
- b. Conduct on the employee's part that suggests impairment or influence of drugs or alcohol
- c. A report of drug or alcohol use while at work or on duty
- d. Information that an employee has tampered with drug or alcohol testing at any time
- e. Negative performance patterns
- f. Excessive or unexplained absenteeism or tardiness

At the sole discretion of the University, the University will remove an employee who appears to be under the influence of substance(s) from the work area and provide the employee with transportation to the place of testing. The University will also make arrangements for the employee to be transported home following the test, either by calling the emergency contact person designated by the employee or by arranging and paying for a cab. An employee's refusal to submit to substance test may be grounds for immediate termination of employment.

### **3. Random Selection Testing**

Under the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, the University may request an employee or all members of an employment classification or group to undergo drug or alcohol testing at random. In particular, University police officers, those employees who drive University vehicles, operate machinery, or have drug interdiction responsibilities, and any employee who has undergone drug or alcohol treatment within the last two (2) years, commencing with the employee's return to work following a confirmed positive test or following participation in a drug or alcohol dependency treatment program under an employee benefit plan or at the request of the University, are subject to random drug or alcohol testing.

### **C. Alteration of Sample**

Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and the refusal to test will constitute grounds for termination of employment or ineligibility for hire.

#### **D. Workplace Searches**

The University may conduct searches of University property, including lockers as well as the personal property of employees located on University premises, in cases where there is reasonable belief that an employee has violated this policy. While no search will be conducted without an employee's consent, consent to search is a condition of continued employment with the University. An employee who refuses to cooperate in the conducting of such searches will be subject to disciplinary action up to and including termination of employment.

#### **E. Collection of Samples**

As set forth in the Substance Test Consent Form, testing samples will be collected by a qualified individual as defined by the Oklahoma Standards for Workplace Drug and Alcohol Testing Act. A qualified individual may be employed by the University or by an outside testing facility. Collection of samples will be performed under reasonable and sanitary conditions. A written record of the chain of custody of the sample will be maintained from the time of the collection of the sample until the sample is no longer required.

#### **F. Criminal Offenses Committed Off-Premises**

The University reserves the right to suspend without pay any employee who has been arrested for criminal offenses related to the manufacture, possession, sale, use, distribution, dispensation, receipt, or transport of any illegal substance, pending resolution of the charges to the University's satisfaction.

#### **G. Notification of Workplace Criminal Drug Violation**

As a condition of employment, University employees must:

- a. abide by the terms of this policy statement;
- b. notify the University's Chief Human Resources Officer, in writing, within five calendar days of a conviction of a criminal drug violation occurring in the workplace.

Within 30 days of receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, the University will take appropriate personnel action against convicted employee up to and including:

- a. termination (consistent with requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act), or
- b. requiring the employee's satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement or other appropriate agency.

#### **H. Confidentiality of Test Results**

All test results will be handled on a confidential basis, will be kept separate from other personnel and applicant records, and will be available only to University personnel who have a need to know such results. The Chief Human Resources Officer or his/her designated representative will determine who will have access to these records. Information and records of any drug testing will be made available for inspection and copying by the applicant or employee tested.

## **V. NOTICE OF POTENTIAL EMPLOYEE SANCTIONS**

One of the goals of the University's drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. However, the consequences for violation of this policy are serious. Any employee who violates this policy, any city ordinances, state criminal laws, or federal laws relating to alcohol or drug use, or who does not cooperate with the University in its attempts to maintain a drug-free environment, will face appropriate disciplinary action up to and including termination of his or her employment or other appropriate responsive action. In the case of applicants, the offer of employment will be withdrawn and the applicant may not reapply.

The University will take disciplinary action against an employee who refuses to undergo drug or alcohol testing conducted in accordance with the provisions of this policy.

An employee discharged on the basis of a refusal to undergo drug or alcohol testing or on the basis of a confirmed positive drug or alcohol test conducted in accordance with the provisions of this policy shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits.

## **VI. NOTIFICATION OF FEDERAL AGENCIES ABOUT EMPLOYEES**

The federal government requires that each employee directly engaged in the performance of work under a federal grant or contract must:

- a. be provided with a copy of a statement describing the employer's policy, and
- b. be notified that, as a condition of employment on that grant or contract, the employee will abide by the terms of the policy and will notify the employer if he or she is convicted of any criminal drug statute violation in the workplace no later than five days after such a conviction. Employees are required to notify the University of any drug conviction resulting from a violation in the workplace no later than five days after the conviction. Notification should be made to the University's Chief Human Resources Officer. The University, in turn, is required to notify any awarding federal agencies of any convictions. Notification to the federal agencies will be made by the Chief Human Resources Officer. Department heads and other supervisors, in consultation with the Chief Human Resources Officer, will have the responsibility for determining any disciplinary action, or for requiring offenders to participate satisfactorily in an approved drug treatment program, or both.

## **VII. OPPORTUNITY FOR REHABILITATION FOR EMPLOYEES**

Following a violation of this policy, depending on the nature and severity of the violation, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must agree to and abide by the terms set forth by the University as a condition of remaining on campus.

### **A. Time-Off for Substance Dependency Treatment**

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the leave will not cause the University any undue hardship. Employees participating in a rehabilitation or treatment program may also use any paid time off for which they are eligible, including accrued vacation days and sick days.

### **B. Employee Assistance**

Employees with questions or concerns about substance dependency or abuse are encouraged to contact the Human Resources Department for referral to counseling or treatment programs.

Regular full-time employees have access to Employee Assistance Program services through MetLife by calling (800) 511-3920. A consultant will clarify the need, evaluate the options, and suggest a plan to the employee. The consultant may refer the employee to a local consultant for additional counseling or treatment. MetLife does not share any information about employees with the University.

Additionally, the on-campus licensed professional counselor is available to employees. Alcohol or drug abuse issues may be discussed, or a referral may be requested. Employees may call (405) 208-7902 for an appointment. By law, all conversations with the counselor are confidential.

## **VIII. HEALTH RISKS**

Drugs at work are a hidden habit, but they have visible effects on the user. Whether the drug of choice is alcohol, marijuana, a prescription drug, or other controlled substance, the habit can lead to a change in the employee's ability to complete work assignments. Some people may believe that drugs are harmless or even helpful. The truth is that drugs can have very serious, long-term physical and emotional health effects. And when drugs are mixed, the impact may be even more detrimental.

Health risks generally associated with alcohol and drug abuse may include a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders.

## **IX. OKLAHOMA CITY AREA DRUG AND ALCOHOL RESOURCES**

Catalyst Behavioral Services  
Inpatient and outpatient services; adult  
(405) 232-9804

Edmond Family Counseling  
Outpatient only; adults & children  
(405) 341-3554  
<http://edmondfamilycounseling.org/>

SOS Specialized Outpatient Services  
Outpatient only; adults only  
(405) 810-1766  
<http://okcsos.com/>

Hope Community Services  
Outpatient only; adults and children  
(405) 632-1900  
<http://www.hopecsi.org/>

The Referral Center  
Medical detox only  
525-2525  
<http://trcok.com/>

A Chance to Change  
Outpatient counseling, support groups  
(405) 840-9000  
<http://achancetochange.org/>

National Institute on Drug Abuse (NIDA)  
Facts about drugs, abuse, publications  
<http://www.recoverymonth.gov/>

Alcoholics Anonymous  
Support groups  
<http://www.aa.org/?Media=PlayFlash>

**X. SUBSTANCE TEST CONSENT FORM**

I, \_\_\_\_\_, the undersigned, agree to submit to and pass a drug test as a condition of my application for employment [or of my continued employment] by Oklahoma City University (the University). I further understand that in the event that I am hired by the University, I must abide by the Campus Drug and Alcohol Policy as a condition of my employment with the University. I further understand that if the University has the reasonable belief that I have violated this policy, the University may require me to submit to a drug test.

I understand and agree that my failure to pass a drug test may be grounds for my termination or dismissal from the University.

Results of drug testing will be provided to the University by the individual or entity retained by the University to conduct the testing. I understand that the results of such testing will be treated as confidential by the University, but the results will be disclosed to the Chief Human Resources Officer and to University personnel who have a need to know the results, as determined by the University.

I hereby agree to release and hold harmless the University, its agents, employees and vendors for any liability that results from the drug testing procedure or its outcome.

My signature below indicates that: (1) I have read and understood this form; (2) I am freely consenting to this drug screening procedure; (3) I am releasing the University and its agents and employees from any liability arising during the drug testing procedure or its outcome; and (4) any specimens provided will be my own and will not be adulterated.

I hereby acknowledge and agree to the foregoing. I further acknowledge that a copy of this consent form has been provided to me for my records.

\_\_\_\_\_  
Applicant/Employee's Signature

\_\_\_\_\_  
Applicant/Employee's Printed Name

\_\_\_\_\_  
Signature Date