

# PROCEDURES FOR DRUG FREE WORKPLACE

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## 1. Factors Relevant to Sanction or Corrective Action.

- a. The University will evaluate violations of the Drug Free Workplace Policy on a case-by-case basis.
- b. In determining the appropriate sanction or corrective action, the University may consider an individual's work or academic record, the seriousness of the violation, the safety-sensitivity of the individual's position, whether the individual's behavior was violent, whether a sanction or corrective action is permissible under law including, without limitation, the Americans with Disabilities Act of 1990, and any other relevant factors.

## 2. Workplace Inspections.

- a. 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.
- b. The University will prominently post the following notice in conspicuous places in the workplace:

**Indiana State 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 the University reasonably suspects that its Drug Free Workplace Policy or any procedure under that Policy has been violated.**

- c. The decision to conduct a workplace inspection shall be made jointly by the supervisor who believes the inspection would be appropriate under this policy and a representative of the Office of Human Resources. In all cases, the AVP of Human Resources or his or her designee must authorize a workplace inspection.
- d. The Drug Free Workplace Policy and these procedures do not limit in any way the Indiana State University Police Department's right to conduct law enforcement activities including, but not limited to, questioning or searching any person or inspecting any University premises.

## 3. Controlled Substance and Alcohol Testing.

- a. Commercial Motor Vehicle Drivers.
  - i. Persons employed as commercial motor vehicle operators who are governed by Department of Transportation regulations are subject to drug and alcohol testing under procedures developed by the Office of Human Resources.

- b. Defense Contracts.
  - i. Department of Defense regulations require the University to establish programs to test employees and final applicants for illegal drug use if they will work in sensitive positions on Defense Department contracts.
  - ii. The University will determine appropriate tests based on the nature of the work being performed, the employee's duties, the efficient use of University resources, and the risks to public health and safety and national security that could result if the employee fails to perform the duties of the position adequately.
- c. Intercollegiate Athletics.
  - i. Student athletes who participate in intercollegiate sports will be subject to drug and alcohol testing under National Collegiate Athletic Association regulations in testing programs developed by the University's Department of Intercollegiate Athletics.
- d. Employee Reasonable Suspicion Drug and Alcohol Testing.
  - i. All employees of the University may be subject to reasonable suspicion drug and alcohol testing.
  - ii. The decision to conduct reasonable suspicion testing will be made jointly by a supervisor who believes reasonable suspicion exists and a human resources staff member.
  - iii. In all cases, reasonable suspicion testing must be authorized by an appropriate University employee or other individual designated by the University who has been trained to recognize physical or behavioral symptoms commonly attributed to the use of drugs or alcohol.
  - iv. When it is reasonably believed that an employee is under the influence of drugs or alcohol while on the job, Human Resources must be contacted.
    - 1. The employee may be removed from the workplace until the employee is no longer under the influence and during the time an investigation is underway. In such circumstances, the supervisor will arrange to have the employee transported home.
    - 2. The employee may be required to undergo drug or alcohol testing. This could occur both at the time the employee is suspected of being under the influence and/or before the employee is allowed to return to work, as evidence that the employee is no longer under the influence.
    - 3. An employee's refusal to participate in requested drug and/or alcohol testing is a separate offense of the Drug Free Workplace Policy, subject to corrective action.
- e. Off-Work Use of Alcohol or Drugs.

- i. An employee whose off-work use of alcohol or drugs can reasonably be established to be the cause of excessive absenteeism or tardiness, or the cause of accidents or poor work performance will be counseled to seek assistance.
    - ii. Job performance problems are subject to progressive discipline.
  - f. Public Safety Employees.
    - i. Employees performing public safety duties may be subject to drug and alcohol testing procedures as authorized by the University Chief of Police.
    - ii. This testing may include, but is not limited to, pre-employment testing, post-accident testing, return-to-duty testing, and follow-up testing.
- 4. Employee Self-Referral and Employee Assistance Program.
  - a. Self-Referral.
    - i. Employees with alcohol or drug problems are strongly encouraged to voluntarily contact their family physicians or the University's Employee Assistance Program for assistance.
    - ii. Employees may seek help without their supervisor's knowledge.
    - iii. Although voluntarily seeking assistance will not bar the University from treating the employee like other employees under the Drug Free Workplace Policy, the University will consider voluntary requests for help in determining any discipline to be imposed.
    - iv. The University will not assume any financial or other responsibility for drug or alcohol treatment except as may be provided by University benefits.
  - b. Employee Assistance Program.
    - i. The University's Employee Assistance Program offers free, confidential services to employees with alcohol or drug problems, including:
      - 1. Information about the dangers of alcohol and drug use and the University's Drug Free Workplace Policy;
      - 2. Assessment and evaluation;
      - 3. Referral to and information regarding public and private treatment programs'
      - 4. Services to families of employees with drug or alcohol problems; and
      - 5. Assistance with questions concerning insurance coverage.
- 5. Federal Contract or Grant Employees.

- a. Under the Drug-Free Workplace Act of 1988 and the Federal Acquisition Regulations System, in addition to the other requirements of this policy, an employee engaged in the performance of (1) a federal agency contract for procurement of property or services valued at \$25,000 or more, or (2) a federal agency grant, will notify his or her supervisor or department head if he or she is convicted under a criminal drug statute for conduct in the workplace no later than five calendar days after the conviction.
  - b. The University will notify the federal contracting or granting agency within 10 calendar days after receiving notice of the conviction from the employee or otherwise receiving actual notice of the conviction.
6. Grievance Procedures.
- a. Any student or employee with a complaint relating to the application of the University Drug Free Workplace Policy may seek redress through applicable University grievance policies and procedures.
  - b. Employee complaints challenging drug or alcohol test results must be resolved in accordance with the applicable testing procedure.
7. Confidentiality.
- a. The University will take reasonable measures to ensure individual privacy under the University Drug Free Workplace Policy including, but not limited to, keeping all drug and alcohol test results confidential to the maximum extent possible.
8. Administrative Responsibility.
- a. The Office of Human Resources will administer the Drug Free Workplace Policy and these procedures as they relate to employees and invitees. The Office of the Dean of Students will administer the policy and procedures as they relate to students. Intercollegiate Athletics will be responsible to administer the policy and procedures as they relate to student athletes.