



Policy

Title:	Drug and Alcohol Free University
Effective Date:	Reviewed December 1, 2019
Approved By:	President's Council
Responsible Party:	Vice-President for Human Resources
History:	6/1/16
Related Documents: Performance Review Policy; Student Rights & Responsibilities Policy; Alcohol for Student Events Policy	

I. PURPOSE

The Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act impose requirements on institutions of higher education to maintain drug and alcohol free campuses. At Salus University, the requirements of these laws are applied to all employees and students. Consistent with these principles, Salus University has adopted the following policies and procedures.

II. DEFINITIONS

Conviction is defined as a finding of guilt, including any plea of *nolo contendere*, an imposition of a sentence, or both, by a judicial body charged with the responsibility to determine violations of Federal or State criminal drug statutes.

During working hours is defined (a) as to an employee, as the period that begins with the employee's starting time and ends with the employee's quitting time and includes any period when the employee is assigned to be available for work, regardless of the locale, and (b) as to a student, as the period that begins when the student is scheduled to be engaged, or actually is engaged, in didactic or clinical studies or training, whether at the University's premises, on a clinical externship, or elsewhere.

Drug is defined as any legal or illegal substance (including over-the-counter medication, prescribed medication, alcoholic beverages, non-prescribed controlled substances, or any other substances) that may affect an individual's productivity and ability to perform required responsibilities or that may affect the safety and/or well-being of any employee, student, patient or other individual.

Fit for duty is defined as a physical, mental health, or emotional status that enables the employee's or student's participation in, or performance of, duties and responsibilities competently and

efficiently, without impairment, in coordination or skill and the execution of job, clinical, or other required responsibilities in a safe and effective manner that does not jeopardize the health and safety of oneself or others.

Impaired or impairment is defined as behavior that indicates an employee or student has a diminished capacity or inability to perform his/her job or clinical or other required responsibilities, or to participate in academic instruction or learning.

Medical evaluation is defined as an examination which is performed by a health professional and includes, but is not limited to, a history and physical examination and any recommended diagnostic studies, including toxicology profiles.

Physical or mental impairment is defined as a physical or mental condition that affects an employee's or student's ability to perform his/her job or clinical or other required duties/responsibilities, or to participate in academic instruction or learning.

Prohibited conduct is defined as selling, purchasing, dispensing, manufacturing, distributing, diverting, stealing, using, processing or being under the influence of non-medically indicated prescription or non-prescription drugs or illegal substances, and/or alcohol while in a University workplace or while participating in University programs.

Reasonable cause is defined as a belief, based on an observance of performance/behavior, that an employee or student is impaired.

Substance abuse is defined as the consumption or misuse of any drug or alcohol, while in a University workplace or while participating in University programs, in a manner that may reduce the employee's or student's effectiveness in the performance of his/her job, clinical or other required responsibilities, or to participate in academic instruction or learning, or that may affect the safety and/or well-being of any employee, student, patient, or other individual.

University program is defined as any activity involving participation by students and/or employees of the University, whether on or off campus, and includes, but is not limited to, all academic and clinical programs, student externships, screening programs, and collaborative programs between Salus University and other institutions.

Workplace is defined as any property owned, controlled, or leased by Salus University and any site to which a student and/or employee is assigned, whether on or off-campus, and includes, but is not limited to, any site at which any work under any federal grant, contract, or other award is performed.

III. POLICY

Standards of Conduct

Salus University is committed to maintaining a workplace and educational environment free from the abuse of alcohol and illegal drugs and the misuse of prescription or over-the-counter drugs.

Salus University has an ongoing expectation that its employees and students will comply fully with all local, state, and federal laws relating to drugs and alcohol while in a University workplace or while participating in University programs.

The consumption, possession, sale or distribution of alcohol (unless officially sanctioned by the University at social events) and the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance while in a University workplace or while participating in University programs by any employee or student is strictly prohibited. It is also strictly prohibited for any University employee or student to report to work, class or any University program while under the influence of illegal drugs or alcohol. Furthermore, the misuse of prescription or over-the-counter medication by any person is strictly prohibited. Nothing in this policy precludes the appropriate use of legally prescribed medication by the individual for whom the medication is prescribed in accordance with the directives of a licensed health care provider.

As a condition of employment and/or enrollment, all employees and students, including employees and students performing work under any federal grant, contract or other award, must abide by the terms of these prohibitions. As described more fully below, Salus University will impose corrective action on students and employees, consistent with local, state, and federal law, for violations of this policy.

Reporting Requirements

As a condition of employment and/or enrollment, employees and students, including employees and students performing work under any federal grant, contract or other award, must notify Salus University in writing if convicted for a violation of a criminal drug statute no more than five (5) calendar days after such a conviction. An employee shall so notify his/her supervisor and the Director of Human Resources. A student shall so notify the Dean of Students.

IV. PROCEDURES

Health Risks

Alcohol is a depressant that causes significant changes in behavior even in small quantities, including impaired judgment, impaired coordination, lowered inhibitions, and increased likelihood that a driver will be involved in an automobile accident. In large quantities, alcohol can depress respiratory and other functions resulting in serious injury or death. Long-term alcohol abuse has been associated with dependence and addiction, in addition to cancer, damage to the brain, heart, and liver, and other life-threatening conditions. Consumption of alcohol by pregnant women can result in fetal alcohol syndrome. For more information about the specific health risks associated with abuse of alcohol, please visit the Centers for Disease Control and Prevention's website, *Alcohol Use and Your Health*: <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.

Illegal drugs are chemicals that can cause serious health problems. Possible effects from abuse of illegal drugs include dependence and addiction, impaired motor functions, impaired judgment, anxiety, seizures, hallucinations, and other risks, including death. For more information about the specific health risks associated with illegal drug abuse, please visit the National Institute on Drug Abuse's website, *Drug Facts*: <http://www.drugabuse.gov/publications/finder/t/160/DrugFacts>.

Legal Sanctions

While it is not practical to list every potentially applicable crime and penalty under state and federal law, students and employees should be aware that illegal possession, consumption, or distribution of drugs and/or alcohol can result in serious penalties, including imprisonment, fines, mandatory community service, loss of employment opportunities, professional sanctions including loss or denial of applicable licensures, and other consequences. Under state and federal law, penalties for second and subsequent offenses can be more severe. Many laws impose mandatory minimum prison terms for violations.

Pennsylvania law prohibits the sale, furnishing, purchase with intent to sell, or purchase with intent to furnish alcoholic beverages to a person who is under twenty one (21) years of age. Violations are punishable by a minimum fine of \$1,000 (\$2,500 for subsequent violations) and up to one year imprisonment.

EMPLOYEE PROCEDURES

Prohibited conduct whether on or off the job, may adversely affect an employee's job performance and jeopardize the safety of others. An employee's participation in prohibited conduct during working hours constitutes grounds for corrective action, as described more fully below.

Any employee undergoing medically prescribed treatment with a controlled substance that may limit the individual's fitness for duty must report that treatment to the Office of Human Resources prior to beginning work. This information will be shared with the relevant department manager/supervisor only when appropriate.

Employee's Responsibility

1. All employees are responsible for being fit for duty when reporting to work and during working hours.
2. An employee should notify his/her manager/supervisor when he/she is prescribed medication that may affect his/her physical or mental status which may therefore affect the performance of duties or jeopardize personal safety or the safety of others.
3. Any individual who reasonably suspects that another employee is unfit for duty by virtue of observed physical or mental status or performance of job duties and responsibilities is expected to immediately notify a manager/supervisor.
4. In cases where the possibly impaired individual is the person's manager/supervisor, the employee is expected to report to the next higher-level supervisory member or the Vice President of Human Resources.
5. Employees who violate any aspect of this policy or these procedures, including the requirements for reporting convictions of criminal drug statutes, may be subject to corrective action, as described below.
6. Employees are encouraged to seek assistance for substance abuse. Evaluation, counseling and referral services are available to employees through benefit programs offered by the University (or, in the case of certain bargaining unit employees, through third parties), and assistance is provided on a confidential basis.

Manager/Supervisor's Responsibility

1. Managers/supervisors are responsible for administering this policy according to the procedures identified herein. In addition, managers/supervisors are responsible for reinforcing the understanding of the fitness for duty requirement and for administering this policy in a fair, uniform and consistent manner.
2. Managers/supervisors and/or co-workers should be aware of the signs of substance use or abuse, which include, but are not limited to: behavior changes, absenteeism/lateness, noted change in interaction with staff or patients, or impairment in job performance. More specific behaviors may include lethargy, slurred or incoherent speech, unusual breath odors, departures from usual behavior, an increase in the occurrence of on-the-job accidents, lack of manual dexterity or unusual trembling, verbal abuse and boisterous behavior toward others, threats of physical harm toward self/others, demonstration of emotional instability and/or hostility, or drastic change in dress or appearance.
3. When possible, the manager/supervisor should request, when possible, the presence of a second manager/supervisor to witness and confirm any observed performance, behavioral and/or conduct problems.
4. Managers/supervisors should report concerns about fitness for duty to the Office of Human Resources at the earliest opportunity.
5. The manager/supervisor shall contact the Office of Safety & Security in those instances in which an employee's behavior poses a threat to any individual's safety.

Office of Human Resources' Responsibility

1. The Office of Human Resources will coordinate the efficient and timely administration of the procedures identified herein.
2. Managers/Supervisors are encouraged to contact the Office of Human Resources for assistance in implementing this policy.
3. In those situations where an employee is being released from duty, the Director of Human Resources is advised to assist the employee in leaving the premises and arriving home safely, involving the Office of Safety & Security, by contacting family members, providing cab fare, or by making comparable arrangements as necessary.
4. As coordinated through the Office of Human Resources, the University will assist an employee's efforts to remedy temporary physical or mental impairment, which may adversely affect satisfactory and safe job performance, and encourages individuals with substance abuse problems to seek treatment voluntarily. The confidential nature of the medical records of individuals with substance dependency will be preserved.

Performance Improvement

1. Length of service and past performance may be considered throughout the corrective action process.
2. If an employee refuses or does not attempt to correct a substance abuse issue that affects job performance, s/he will be subject to a performance improvement plan up to and including termination.

Medical Leave of Absence

Employees referred for treatment may apply for a medical leave of absence for the purpose of treatment only. Employees needing a medical leave of absence can obtain the necessary forms from the Human Resources Department.

Return to Work After Medical Leave of Absence

1. All employees are responsible for providing complete and accurate information and for submitting to a medical evaluation for the purpose of determining fitness for duty after a medical leave and prior to job re-entry.
2. Rehabilitated employees may reapply or return from a leave of absence once they have completed their course of treatment and/or have received medical clearance to return to work from the treating provider.

Substance Abuse Return to Work Agreements

1. Monitoring conditions may be required for employees returning from rehabilitation for substance abuse for a minimum period of one year and up to three years including, but not limited to:
 - a. Successful completion of an appropriate treatment program and presentation of documentation verifying same to the Office of Human Resources;
 - b. Continued contact with recommended therapists and other health care providers as deemed appropriate;
 - c. Medical monitoring, including random and for cause blood and urine testing;
2. Failure to comply with the terms of the monitoring agreement will result in corrective, as described below.
3. A copy of the monitoring agreement will be kept in a confidential file in the Office of Human Resources. All efforts will be made to keep the monitoring agreement confidential.

STUDENT PROCEDURES

Student's Responsibility

1. All students are responsible for refraining from prohibited conduct and substance abuse.
2. As described above, the Center for Personal and Professional Development provides counseling and/or referral services. Students are responsible for seeking assistance from the CPPD before drug and/or alcohol problems lead to corrective action, as described below. Once a violation of this policy occurs, a student's subsequent participation in such a program on a voluntary basis may not have any bearing on the determination of corrective action.
3. A student who legally purchases, possesses, or consumes alcohol remains responsible for ensuring his or her strict compliance with this policy.
4. With respect to the purchase, possession, or consumption of alcohol by individuals attending University-sanctioned social events, all students and student organizations must comply with the University Student Alcoholic Use policy.
5. When enrollment in a program arranged through the CPPD will require continuous or repeated absences from classroom, clinical, or other University programs, the student is encouraged to have his or her CPPD counselor advise the Dean of Student Affairs and/or the Provost/Vice President of Academic Affairs, as appropriate, of the student's

participation in the program and to confirm the student's attendance in treatment. No other information need be given regarding treatment.

6. Students who violate any aspect of this policy or these procedures, including the requirements for reporting convictions of criminal drug statutes, may be subject to corrective action, as described below.

University's Responsibility

1. The University will provide limited counseling and/or appropriate referral services as appropriate that are professional and confidential.
2. The University will not use a student's voluntary, prior decision to seek assistance from the CPPD or a CPPD-referred program as the basis of imposing corrective action against a student. Participation in such a program will not be a defense to the imposition of corrective action where facts proving a violation of this policy or these procedures are obtained independently of such a program.
3. The University may impose corrective action if classroom or clinical performance problems continue, regardless of a student's participation or non-participation in a CPPD or CPPD-referred program.
4. The University recognizes that the purchase, possession, or consumption of alcohol are not illegal per se. The University reserves the right to impose corrective action on a student who violates this policy, regardless of the student's legal capacity to purchase, possess, or consume alcohol.

Leave of Absence

A student who is diagnosed as having a drug or alcohol abuse or dependence problem may be granted a leave of absence to undertake rehabilitation treatment, at the discretion of the Dean of Students or his or her designee.

Return from Leave of Absence

Prior to returning from a drug or alcohol rehabilitation leave of absence as described above, a student must: (a) cooperate fully with the treatment program, (b) present a release from treatment certifying rehabilitation and capability of returning to academic and/or clinical pursuits, and (c) sign a Last Chance Agreement setting out terms for the student's return and stipulating that the student's failure to abide by the terms of the agreement will result in immediate termination of the student's enrollment at Salus University.

Available Programs

The University supports programs for the prevention of controlled substance abuse by University employees as well as assistance programs for those with problems related to controlled substance abuse. The University's Center for Personal and Professional Development ("Center" or "CPPD") is available to assist students with these issues and, if necessary, to provide referrals. The Center can be reached by telephone at 215-780-1378.

For more information, including contact information for CPPD counselors, please visit:

<http://www.salus.edu/Life/Student-Services/Counseling-Center.aspx>. For contact information for local community mental health providers and other resources, please visit the CPPD webpage, *Counseling Resources and Links* at: http://www.salus.edu/getattachment/Life/Student-Services/Counseling-Center/Counseling-Resources-and-Links-_ -August-2014.pdf.aspx.

CORRECTIVE ACTION

Any student or employee who fails to comply with the policies and procedures set forth in this policy will be subject to corrective action. Corrective action will be determined at Salus University's discretion, subject to the provisions of any applicable collective bargaining agreement, faculty manual, employee and/or student handbook, or other similar document. The level of discipline may vary depending upon the nature, frequency, and seriousness of the offense and may include required satisfactory participation in an appropriate substance abuse assistance or rehabilitation program, a final written warning, suspension, expulsion, termination of employment, and/or referral for prosecution, among other sanctions.