**Drug-Free Workplace UPPS No. 04.04.45**

**Issue No. 4**

**Effective Date: 01/29/2014**

**Next Review Date: 03/01/2024 (E10Y)**

**Sr. Reviewer: Assistant Vice President for Human Resources**

**01. POLICY STATEMENT**

01.01 This UPPS contains Texas State University's policy establishing a drug-free workplace. This policy is intended to comply with:

a. the Drug-free Workplace Act of 1988 found in 41 U.S.C. § 701;

b. Section 2.4(10) of Chapter V of the Rules and Regulations of The Texas State University System Board of Regents; and

c. the Rules of the Texas Workers' Compensation Commission, found in 28 TAC Chapter 169.

**02. GENERAL PROVISIONS**

02.01 Use of illegal drugs by university employees results in less productivity, less reliability, and greater absenteeism, increasing potential costs, delays, and risks to the university.

02.02 Illegal drug use by university employees impairs their ability to perform critical tasks, and results in accidents and failures that pose a serious threat to health, safety, and the university’s educational mission.

02.03 Illegal drug use by university employees results in unreliability, instability, and poor judgment. It also creates the possibility of coercion, influence, and irresponsible action under pressure that poses a risk to health, safety, and the university’s educational mission.

**03. DEFINITIONS**

03.01 In this UPPS, the term "employee" includes members of the faculty and staff as defined in Section 1.1 of Chapter V of the Board of Regents' rules. It also includes students employed by the university in any capacity.

03.02 The term "controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC § 812) or the Texas Controlled Substances Act (Health and Safety Code, Chapter 481).

03.03 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 the responsibility to determine violations of the federal or state criminal drug statutes.

**04. PROCEDURES**

04.01 The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in all university workplaces. A university employee who violates this prohibition, either in the workplace or elsewhere, is subject to the following sanctions:

a. oral or written warning or reprimand;

b. suspension with or without pay;

c. reduction in pay;

d. demotion; or

e. discharge or termination of employment.

04.02 The associate vice president and dean of Students will establish a drug-free awareness information program that will inform university employees about:

 a. the dangers of drug abuse in the workplace;

 b. the university's policy of maintaining a drug-free workplace;

 c. any available drug counseling, drug rehabilitation, and employee assistance programs; and

 d. the possible penalties for employees resulting from drug abuse violations.

04.03 The Office of Sponsored Programs will ensure that each employee engaged in the performance of a grant from any federal agency or a federal contract for the procurement of property or services valued at $25,000 or more from a federal agency has access to this policy.

a. As a condition of employment in such grant or contract, each university employee will:

1) abide by the terms of this UPPS; and

2) notify the university's director of Sponsored Programs of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

b. When the university's director of Sponsored Programs receives actual notice of an employee's conviction, as described above, the director shall notify the granting or contracting agency within ten calendar days after receiving the notice.

04.04 The university will make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

04.05 The employee's supervisor shall, within thirty calendar days after receiving notice of a conviction, either:

a. take appropriate personnel action against the employee up to and including termination; or

b. require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for that purpose by a federal, state, local health, law enforcement, or other appropriate agency; or

c. take action under both a. and b., above.

04.06 Before a supervisor suspends, demotes, or reduces the pay of an employee, Human Resources and the next higher-level supervisor must approve the action. Only the president, vice presidents, assistant and associate vice presidents, and deans and directors reporting directly to a vice president have the authority to discharge employees.

**05. PROCEDURES FOR DISTRIBUTION OF POLICY**

05.01 The assistant vice president for Human Resources will summarize this policy in the Staff Handbook.

05.02 The [Faculty Handbook](http://gato-docs.its.txstate.edu/jcr%3A78db2d91-b1aa-46de-8216-baac6269e7c1/Faculty%20Handbook.pdf), Schedule of Classes, and appropriate student publications will contain a summary of this policy.

**06. REVIEWERS OF THIS UPPS**

06.01 Reviewers of this UPPS include the following:

Position Date

Assistant Vice President for Human March 1 E10Y

Resources

TSUS Associate General Counsel March 1 E10Y

Associate Vice President and Dean March 1 E10Y

of Students

Chair, Faculty Senate March 1 E10Y

Chair, Staff Council March 1 E10Y

**07. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Assistant Vice President for Human Resources; senior reviewer of this UPPS

Vice President, Finance and Support Services

President