

SECTION: PERSONNEL

SUBJECT: Drug-free Workplace

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**Background:** In accordance with the following federal requirements, LCSC has adopted the Drug-Free Workplace policy: 1) the Drug-Free Workplace Act of 1988, 2) the Drug-Free Schools and Communities Act Amendments of 1989 and 3) Executive Order No. 2007-08 Establishing the Idaho Alcohol and Drug-Free Workplace Policy

**Point of Contact:** Human Resource Services

**Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy:** Student Affairs

**Date of approval by LCSC authority:** October 17, 2014

**Date of State Board Approval:** N/A

**Date of Most Recent Review:** 09/2020

**Summary of Major Changes incorporated in this revision to the policy:** Hyperlinks were tested and fixed. No significant changes were made.

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## **SUBJECT: DRUG-FREE WORKPLACE POLICY**

Purpose: The purpose of this policy is to uphold local, state and federal laws and to help create a safer campus. In accordance with the following federal requirements: 1) the Drug-Free Workplace Act of 1988

[https://uscode.house.gov/view.xhtml?req=\(title:41%20chapter:81%20edition:prelim\)%20](https://uscode.house.gov/view.xhtml?req=(title:41%20chapter:81%20edition:prelim)%20)

2) the Drug-Free Schools and Communities Act Amendments of 1989

<https://www.congress.gov/bill/101st-congress/house-bill/3614> and 3) Executive Order No. 2007-08 <https://adminrules.idaho.gov/bulletin/2007/11.pdf#page=13>

Establishing the Idaho Alcohol and Drug-Free Workplace Policy, Lewis-Clark State College has enacted the following policy applicable to all employees.

### 1. Introduction

Lewis-Clark State College maintains an ongoing substance abuse prevention program currently consisting of educational, early intervention, enforcement and environmental strategies. It is the policy of Lewis-Clark State College to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, possession, or use of any illegal drug (as defined in the federal Controlled Substances Act and 21 CFR 1300.11 through 1300.15 as well as in Title 72, Chapter 17, Idaho Code <https://legislature.idaho.gov/statutesrules/idstat/title72/t72ch17/sect72-1701/> in the workplace or on campus is prohibited.

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- A. In support of this policy the College has established an Alcohol and Other Drugs (AOD) prevention program for students, faculty and staff. This proactive educational programming includes training programs for key personnel on campus. The training itself consists of making personnel aware of counseling services available to those with substance abuse problems, basic information on identifying the behaviors of people who may be abusing alcohol or drugs, proper steps in making an intervention, and awareness of alternatives to social drinking and/or drug use.
- B. Faculty and Staff are made aware of the college's policies about drug and alcohol abuse during their New Employee Orientation. They are also informed of the Employee Assistance Program <https://www.guidanceresources.com/groWeb/login/login.xhtml> made available to college employees and they are given a 24-hour hotline that they can call if they need help.
- C. This information shall be distributed annually to all employees, will be posted on the Human Resource Services website, will be printed annually in the HRS newsletter, and will be posted in conspicuous locations throughout the campus and at outreach locations.

## 2. Policy Statement

- A. Lewis-Clark State College is dedicated not only to learning and the advancement of knowledge, but also the development of ethically sensitive and responsible persons. The institution strives to maintain an educational environment free of illegal drugs.
- B. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on college owned or controlled property. This policy applies equally to administrators, faculty, staff and students.
- C. According to the Drug-Free Workplace Act of 1988 [https://uscode.house.gov/view.xhtml?req=\(title:41%20chapter:81%20edition:prelim\)%20](https://uscode.house.gov/view.xhtml?req=(title:41%20chapter:81%20edition:prelim)%20), as a condition of employment for employees funded by grants, the employee will:
  - (1) Abide by the terms of the statement noted in 2.B. and
  - (2) Notify his/her immediate supervisor of any criminal drug statute conviction for the violation occurring in the workplace no later than five calendar days after that conviction.

## 3. Notification of Funding Agency

- A. In support of this policy, the appropriate Vice President (or President for Direct Reporting Units) will:
  - (1) Notify the contracting agency within ten days after receiving notice of an employee's conviction.

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- (2) Impose sanctions on and/or require the satisfactory participation in a drug abuse assistance rehabilitation program by any employee so convicted.
- (3) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of this policy.

4. Employee Sanctions

- A. Any employee of Lewis-Clark State College convicted of violating Drug-Free Workplace requirements will be subject to disciplinary action that may include, but is not limited to warnings, reprimands, suspension, expulsion, demotion or dismissal. The employee may also be required to satisfactorily participate in drug abuse assistance or rehabilitation program as agreed upon by the employee, the Human Resource Services Department and the Employee Assistance Program provider as a condition of continuing employment.
- B. Within thirty (30) days of receiving notice that an employee has been convicted of violating this institution's Drug-Free Workplace policy, the appropriate Vice President (or President for DRU's) will take appropriate personnel action against such an employee.

5. Institution Sanctions

- A. The federal government may levy sanctions against the institution if the funding agency determines that the institution (grantee) has violated the Drug-Free Workplace Act by:
  - (1) Filing a false certification;
  - (2) Failing to carry out any obligation specified in the certification as specified in this policy;
  - (3) Having such a high employee rate of criminal drug convictions occurring in the workplace as to indicate that the institution has failed to make a good faith effort to provide a drug-free workplace.
- B. The institution shall be subject to one or more of the following actions:
  - (1) Termination of the grant or contract by the federal agency;
  - (2) Suspension of payments under the grant or contract;
  - (3) Suspension including a temporary, emergency form of debarment, the administrative equivalent of a preliminary injunction;
  - (4) Debarment.
- C. Upon issuance of any final decision requiring debarment of the institution, the

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institution shall be ineligible for award of any grant from any federal agency for a period specified in the decision, not to exceed five (5) years.

- D. Sanctions are imposed, in writing, by the head of the federal funding agency (or designee) and may be appealed through standard agency suspension and debarment proceedings. The agency head may waive the sanction under appropriate circumstances.

6. Drug-Free Awareness Committee

A. The College's Behavior Response Team (BRT) shall be responsible for establishing a prevention program to inform employees about:

- (1) The dangers of drug abuse in the workplace,
- (2) The institution's policy of maintaining a drug-free workplace,
- (3) The availability of drug counseling and rehabilitation programs, and
- (4) Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

B. To ensure good-faith efforts to maintain a drug-free workplace, the BRT shall annually review and evaluate policies and educational programming and advise the President of any changes needed to satisfy this goal.