

**Document XV****STATE OF LOUISIANA  
EMPLOYEE SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE POLICY**

On September 7, 1990, President Ray Authement approved an Alcohol/Drug Policy for UL Lafayette. This is in compliance with the federal Drug Free Schools and Communities Act and the Drug Free Workplace Act. The purpose of this policy is to clarify and inform students, faculty, and staff of UL Lafayette's stand on alcohol/drug related issues and the procedure when policy is violated. It is also the intent of UL Lafayette to offer education, short term treatment, and/or referrals to those who may be affected. To help achieve this goal the Office of Drug and Alcohol Education and Prevention has been created. Questions may be addressed to the Counseling and Testing Center in Olivier Hall (482-6480).

**Introduction**

The University of Louisiana at Lafayette recognizes its responsibility for developing, promulgating, and enforcing policy regarding alcohol and drug use among students and employees. The University recognizes that drug and alcohol use can adversely impact its most important concerns: Academic excellence, student development, employee job performance, and the health and safety of the campus community at large.

This policy represents the development of a comprehensive program that applies to all levels of the university's community, including students, faculty, administrators, and all other staff. Its success depends upon the belief that each person has a role in responding to this issue. More importantly, however, is the belief that substance abuse is a solvable problem which must be addressed systematically, fairly, and with due process of law.

This policy describes the university's response to the substance abuse problem from three broad perspectives: Education, Prevention and Sanctions. The assignment of administrative responsibility for this effort will be accomplished through the creation of the Office of Drug and Alcohol Education and Prevention and the appointment of a coordinator. Sanctions for students described herein will be under the purview of the Office of the Vice President for Student Affairs and the Code of Student Conduct. Those sanctions applying to faculty and staff will fall under university personnel policies and procedures and the direction of the president or his designee.

**Philosophy**

Each student deserves the best possible opportunity to achieve academic excellence and a quality campus environment within which to develop and mature. Moreover, the safety and welfare of all members of the campus community must be assured. The University of Louisiana at Lafayette wants to promote a safe and healthy environment, it wants to maximize the potential of all to make significant contributions in life, and it wants to promote the concept of individual responsibility for substance use with all members of its community.

The university recognizes that substance abuse poses specific and serious threats to its mission as an institution of higher education. The appropriate and legal use of drugs or alcohol is a right and privilege, but the inappropriate or illegal use of drugs or alcohol is not.

**Purpose**

The purpose of this policy is to provide a vehicle for accomplishing the following:

1. Promote a healthy environment for students, faculty, and staff.
2. Maximize the opportunities for academic excellence and student development.
3. Define university expectations regarding appropriate use of alcohol at sanctioned events.
4. Discourage the illegal use of alcohol and drugs and to identify appropriate disciplinary procedures for those who engage in such activities.
5. Demonstrate the university's commitment to provide education and prevention programs and activities to the campus community.
6. Demonstrate the university's commitment to provide early intervention, counseling, and referral services to each member of the campus community.

7. Comply with the Drug-Free Schools and Communities Act Amendments of 1989: Public Law 101226 (Appendix A) and Executive Order 12564, Public Law 100-71 and subsequent regulations including the Drug-Free Workplace Act (Appendix B).

## Definitions

**Student:** any individual enrolled either part time or full time in University courses.

**Student-Athlete:** any student who is a member of a university athletic team recognized and coming under the jurisdiction of the Department of Athletics and its Director.

**Student-Employee:** any student receiving remuneration for service to the university (e.g., student aids, student residence hall staff, student police officers, student bus drivers, etc.)

**Faculty and Staff:** non-students employed by the university either part or full-time on a temporary or permanent basis.

**President or his designee:** the university president or person or persons in committee with authority whom he designates as responsible for policy or action (e.g., Vice Presidents, Athletic Director, etc.)

**Vice President or his designee:** the vice president or person or persons in committee whom he designates as responsible for policy or action (e.g., Deans of Colleges, Students, etc.)

**Supervisor:** any employee having the authority to hire, direct, assign, promote, transfer, suspend, discipline, or remove other employees or to effectively recommend such action, if the exercise of such authority is not merely clerical in nature but requires consistent independent judgment (e.g., Department Head, Dean, Vice President, President).

**Drug Testing Coordinator:** the employee assigned by the president or his designee to administer the university's drug testing program in accordance with this policy.

**Medical Review Officer:** the employee appointed by the president or his designee responsible for receiving laboratory results generated from the University Drug Testing Program who has the appropriate medical training to record, interpret, and evaluate test results.

**Testing Designated Positions:** the employment positions of the university which have been designated for random testing by the president or his designee (see Appendix D, Presidential Option).

**Random Testing:** a system of drug testing imposed without individualized suspicion of drug use on employees in Testing Designated Positions and using some statistically random sampling technique.

**Faculty/Staff Assistance Program (F/SAP):** a program under the direction of the University Counseling and Testing Center that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health concerns.

**Office of Drug and Alcohol Education and Prevention:** office housed within the Counseling and Testing Center created to administer this policy.

**Coordinator, Office of Drug and Alcohol Education and Prevention:** employee assigned by the president or his designee to coordinate all activities of the office as provided by this policy.

**Illegal Drugs:** non-prescription controlled substances as defined by section 802(6) of Title 21 of the United States Code.

**Substance Abuse:** use of a substance which poses a threat to or interferes with healthy and productive living, including relationships and work.

## Programs and Services Education, Prevention, and Treatment

The University of Louisiana at Lafayette recognizes its responsibility to educate the campus community about problems associated with drug and alcohol use. In a variety of settings, numerous prevention and education programs will be offered on a regularly scheduled basis. Current information about the effects of drug and alcohol use on physiological and psychological health will be made readily available. Students, faculty, and staff will be encouraged to participate in all activities which promote alcohol and drug-free experiences. Abstinence will be encouraged and seen as a legitimate and socially acceptable choice for any member of the university community.

Educational programs for campus leaders and other administrators and staff will address the development of skills required for identification of and early intervention with others who demonstrate problems with alcohol or drugs. Any member of the University community will have

the opportunity to seek help for an abuse or addiction problem. Assessment, counseling, and referral services will be made available at no cost.

### **Establishment of the Office of Drug and Alcohol Education and Prevention**

**Administrative Unit.** An office will be established and a budget assigned and maintained for the purpose of implementing and administering this policy on a yearly basis. It will be established within the administrative structure of the Division of Student Affairs and the Counseling and Testing Center. The Counseling and Testing Center mission is compatible with the requirements of this policy in that it includes the coordination and provision of proactive developmental programs campus-wide. The center's organizational structure as a treatment center accommodates the confidentiality needs of important sections of this policy as well.

**Responsibility.** One person will be appointed as Coordinator of this office. He/she will report directly to the director of the Counseling and Testing Center and/or the Dean of Students and assume responsibility for the implementation and maintenance of all programs and services outlined in this policy.

**Services and Activities.** Under the direction of the coordinator, this office will provide the following services and activities:

1. Information. The office will maintain a supply of resource materials as an informational library regarding alcohol and drugs. Resources will include books, pamphlets, and audio-visual materials. Use will be encouraged by all members of the campus community through advertisements and notices.
2. Education. A yearly schedule of educational programs will be developed and implemented. Lectures, presentations, and discussions will be planned for the classroom, organization meetings, departmental meetings and other campus events. Topics will range from health risks to behavior problems and include education about this policy. These activities will be accomplished through the enlistment of campus resources and thus benefit from the direction, guidance, and involvement from faculty and staff in the areas of Health Education, Psychology, Home Economics, Counseling and Testing, and the University Health Clinic.
3. Prevention. A yearly schedule of prevention activities and programming will be developed and implemented. The involvement of all colleges, schools, and departments will be enlisted in the provision of regular prevention activities. Promotional activities as a part of National Collegiate Alcohol Awareness Week, anti-drunk driving programs, and early intervention training for campus leaders are examples of this important effort.
4. BACCHUS. "Boost Alcohol Consciousness Concerning the Health of College Students" is a university organization whose primary purpose is to help alleviate alcohol abuse on campus by promoting responsible drinking and educating the campus community. It will continue to be maintained through the Office.
5. Assessment, Counseling, and Referral. Assessment, counseling, and referral services will be made available through the Faculty/Staff and Student Assistance Programs of the Counseling and Testing Center. Students, faculty, and staff interested in personal counseling regarding their own possible substance abuse are encouraged to seek help through this service. Concerns regarding someone with whom one is involved are also appropriately brought here.  
This service will also be provided to those who are referred through action related to the imposed sanctions of this policy. Services will be provided under the supervision of the director of counseling and testing and include assessment, counseling of up to six (6) sessions, and referral to support groups or inpatient/outpatient treatment as deemed necessary. Monitoring progress and follow-up are also functions of this service. All services are confidential as governed by the ethical principles set forth by the American Psychological Association and the American Association for Counseling and Development.
6. Research. The University recognizes its responsibility to scientifically assess the extent of the current problem and evaluate the effectiveness of this policy and its programs. To that end, a comprehensive research program will be developed and supervised by the

coordinator. Such research will follow a regular schedule and represent the best possible effort at needs assessment and policy/program evaluation.

## **ALCOHOL POLICY**

This policy governs the possession and consumption of alcohol by students, faculty, and staff on the University of Louisiana at Lafayette campus, in or at any university owned or managed facility, or at any university sponsored or registered event, either on or off campus. Throughout this policy alcohol is used to describe beer, wine, and distilled spirits. This policy is based on a concern for the welfare of all members of the University community and is in keeping with the laws of the city and parish of Lafayette and the state of Louisiana. As members of the university community, students, faculty, and staff are expected to comply with and abide by this policy as well as local and state laws.

The purpose of this section is to designate areas on campus where an individual of legal age may consume alcohol and to designate under what conditions group events may involve alcohol. The position here is that while members of this community who are under the legal drinking age may socialize where alcohol is present, only those who are of legal drinking age may consume, serve, transfer, or possess alcohol.

The University of Louisiana at Lafayette prohibits the purchase or public possession of alcohol by those 18 years of age or older and under the age of 21 as defined by Louisiana Law (R.S. 14:93.10 through 14.93.14). As provided by law, this policy recognizes that public possession does not include possession or consumption under certain conditions defined by 14.93.10.2.

Campus police and other university officials will enforce all laws governing alcohol use and abuse whenever necessary. This policy is subject to change in order to comply with new local, state, and federal laws pertaining to the possession, and consumption of alcohol.

### **Sale, Possession, and Consumption**

All individuals (both of and below legal drinking age) are prohibited from selling, possessing, or consuming alcoholic beverages in any form on university or university-related premises except in those areas authorized by the President or his designee and then only in accordance with state and local laws.

All events where alcohol is to be present must be registered with the Office of Dean of Students except as indicated below. Leaders responsible for such an event must attend a one-hour workshop provided by the Office of Drug and Alcohol Education and Prevention. Workshops shall be held at least twice yearly and will include but not be limited to education about University policy and procedures for a responsibly held event.

#### **Student Union**

1. Alcoholic beverages shall be served only by licensed food personnel. There are no exceptions to this rule.
2. No unopened containers of alcoholic beverages shall be sold. Beverages sold must be consumed in the area in which they were sold.
3. All local, parish, and state ordinances/laws regarding the sale, possession, consumption, and related behavior (e.g., public intoxication or disorderly conduct) shall apply.
4. Any person who purchases, possesses, or consumes alcoholic beverages in the Student Union must be at least 21 years of age. Proof of age may be required at any time during such process by authorized university and/or law enforcement officials. Only members of the sponsoring, registered organization and their guests will be admitted to events where alcoholic beverages are sold.
5. University police officers will be in attendance at all such events according to the discretion of police officials and as otherwise deemed necessary by the Vice President for Student Affairs or his designee. The purpose of such assignment shall include but not be limited to insuring a) that only authorized persons are admitted to a registered event where alcohol is sold, b) that beverages are not brought into or removed from the premises by patrons, and c) that discipline and order are maintained.
6. The sale or serving of alcoholic beverages will end no later than one half-hour prior to the scheduled end of the event and shall not extend beyond 2 a.m.

7. Alcoholic beverages may be sold on Sundays, but only in accordance with local and state laws.
8. Non-alcoholic beverages must be available at the same time and place as alcoholic beverages. Their availability must be obvious. Water is not an acceptable alternative beverage in this case.

### Other Areas

Events held in other area of the university shall be governed by the above policies and all other regulations deemed appropriate by the President or his designee.

**Off-Campus Events.** Although the University of Louisiana at Lafayette attempts to ensure that a safe, healthy, and productive environment exists, its efforts can not extend beyond the campus environment. The university cannot take responsibility for monitoring the off-campus environment. The university does, however, expect that all members of its campus community involved in off-campus events where alcohol is present take it upon themselves to use this policy as a guide in planning and conducting their events.

**Non-Student Sponsored Events.** The sponsorship of activities on campus and in university facilities by non-students, including faculty, staff and/or others where alcohol is present will be subject to all registration requirements whether or not students are in attendance.

**Prohibited Areas.** On-campus consumption of alcohol by individuals or groups is prohibited at university owned or controlled facilities and grounds that include but are not limited to:

1. All residence halls, either in a room, apartment, public hall or lounge area.
2. All academic facilities, either in a faculty/staff office, hallway or classroom.
3. Exceptions require the expressed and specific permission of the President or his designee.

**Responsibility.** It shall be the responsibility of each individual member of the campus community who is engaged in activities where alcohol is involved to be familiar with this policy as well as state and local laws regarding the sale, possession, and consumption of alcohol.

### Sanctions

Students, faculty, staff, and their organizations who violate university policy or federal, state or local laws regarding the use of alcohol will be subject to sanctions delivered by the university disciplinary system and may be referred to civil and criminal court system. The University of Louisiana at Lafayette is not a sanctuary that relieves students, faculty, and staff of their responsibilities as citizens. Violations of Louisiana Law regarding alcohol constitute misdemeanors and are punishable by fines up to \$300.00 and imprisonment up to ten (10) days.

**Residence Halls.** Sanctions for the sale, transfer, possession, or consumption of alcohol at or in the residence halls are delivered by the office of the Vice President for Student Affairs or his designee. Those may include but are not limited to:

1st Offense: Mandatory attendance at the next scheduled alcohol and education class held by the Office of Drug and Alcohol Education and Prevention and Campus Community Service to be determined by the Vice President for Student Affairs or his designee. Non-attendance of any activity will result in immediate referral to Vice President for Student Affairs or his designee for disciplinary action.

2nd Offense: Referral to the Vice President for Student Affairs or his designee for disciplinary action to include immediate removal from the residence hall for the semester, and a mandatory individual session at the Office of Drug and Alcohol Education and Prevention for assessment and referral to appropriate education and or treatment.

3rd Offense: Immediate referral for disciplinary action which may include immediate and permanent removal from the residence hall.

**Registered Events.** Any student organization that provides alcohol without going through the proper procedure, or any organization that uses the name of the University of Louisiana at Lafayette and serves alcohol without going through the proper procedure will be referred to the Vice President for Student Affairs or his designee for disciplinary action that may include suspension of activities for up to a year.

Non-compliance with this policy or state and local laws regarding alcohol use at student or non-student sponsored events will result in the delivery of the following sanctions to individual violators and the organization's leadership and/or the person or persons responsible for event

registration. Organizations holding events where repeated violations take place will be subject to disciplinary action suspending privileges to hold events where alcohol is permitted.

**1st Offense:** Mandatory attendance at the next scheduled alcohol education class held by the Office of Drug and Alcohol Education and Prevention and Campus Community Service to be determined by the Vice President for Student Affairs or his designee. Nonattendance at any activity will result in immediate referral to the Vice President or his designee for disciplinary action.

**2nd Offense:** Referral for disciplinary action to include but not be limited to an immediate ban from university activities where alcohol is present for the current and following semester.

**3rd Offense:** Referral for disciplinary action to include but not be limited to immediate and permanent ban from all university activities where alcohol is present.

**Faculty and Staff.** It is the position of the University of Louisiana at Lafayette that every faculty and staff member has a special responsibility as an employee of a state institution of higher education to model mature and responsible behavior regarding alcohol use. Violations of this policy by faculty and staff will result in review by authorized departmental, school, and/or college officials and possible referral to the president or his designee for disciplinary action in accordance with existing personnel policies and procedures.

## **DRUG POLICY**

### **Manufacture, Distribution, Possession, and Use**

**Zero Tolerance.** The University of Louisiana at Lafayette prohibits the unlawful manufacture, distribution, possession, or use of illegal drugs or controlled substances by University students, faculty, and staff on University owned or controlled property or at University events as set forth by this policy, the Code of Student Conduct, current personnel policies and procedures, and Louisiana Law.

This policy also prohibits the possession of drug paraphernalia (such as roach clips, bongs, water pipes, cocaine spoons, etc.) as set forth and defined by Louisiana Law. The university also prohibits the non-prescribed use of anabolic steroids as set forth and defined by Louisiana Law. Law as it applies to this section of the policy refers to Louisiana R.S. 40:961 through R.S. 40:1034. The range of penalties for violations of Louisiana Law cited above is fines from \$500.00 to \$15,000 and up to life imprisonment without parole depending on the drug involved and nature of the violation.

### **Sanctions, Students**

**Legal Aspects and Consequences.** As citizens, students have the responsibility for knowing of and complying with the laws of the community and state referenced in this policy. Any student who violates these laws is subject to prosecution and punishment by civil authorities as well as disciplinary action by the university. The university may proceed against and sanction a person for the same conduct being handled by civil authorities.

**Disciplinary Process.** The University of Louisiana at Lafayette considers any violation of this drug policy a serious offense. The continued enrollment of students not immediately suspended for violations will be dependent on conditions which may include but not be limited to participation in assessment, counseling, and other treatment programs prescribed and directed by the Counseling and Testing Center.

Sanctions will be imposed by the university in accordance with disciplinary procedures set forth by the Code of Student Conduct. The sanctions imposed by the University may include but are not limited to suspension held in abeyance with conditions, summary suspension, removal from university housing, and permanent suspension from the University. The severity of the sanctions imposed will correspond with the severity and/or the frequency of violations as well as the individual's willingness to receive treatment and recommit to participation in a drug-free living and learning environment.

**Trafficking in Illegal Drugs.** Because the distribution of illegal drugs is a threat and danger to the health and safety of the community, when reasonable cause exists as determined by authorized officials, the university will immediately suspend alleged offenders prior to a hearing, and in accordance with the Code of Student Conduct (Summary Suspension).

1st Offense: Students found in violation of illegal distribution of drugs or controlled substances may be dismissed from school and banned from campus in accordance with disciplinary procedures of the Code of Student Conduct (Section 14.14).

**Possession of Illegal Drugs.** For students found in possession or use of illegal drugs, the sanctions shall be the following:

1st Offense: Sanctions will range from suspension held in abeyance with conditions to dismissal from school in accordance with the Code of Student Conduct (Section 14.14). Residents of university housing or housing controlled by the university alleged by authorized officials to be in violation of this policy will be subject to immediate removal in keeping with University housing policies and agreements.

2nd Offense: Sanctions will range from suspension of enrollment for a period of at least one semester to dismissal in accordance with the Code of Student Conduct (Section 14.14).

3rd Offense: Sanction will be dismissal from school and ban from campus.

**Possession of Drug Paraphernalia.** Sanctions will be determined on a case basis in accordance with this policy and the Code of Student Conduct.

**Eligibility for Financial Aid.** As a condition of certain types of financial aid (e.g., Pell Grant) students must certify that they "... will not engage in the unlawful manufacture, distribution, dispensation, or use of a controlled substance..." during the period of the grant. Any student found in violation of this drug policy jeopardizes their ability to receive financial aid for which they might otherwise be eligible.

### **Drug Policy of the Department of Athletics**

The University of Louisiana at Lafayette Department of Athletics recognizes important distinctions between the student athletes and other members of the student body. Among these distinctions are provisions set forth by policies of the National Collegiate Athletic Association (NCAA) addressing special responsibilities and expectations of student athletes. The University's Department of Athletics Drug Use Policy complies with NCAA policy and comes under the direct supervision of the Athletic Director and the President of the university. It appears below in its entirety as written and adopted by the athletic department.

In our present society, some student-athletes are of the opinion that it is necessary to use drugs, either for recreation or to improve their performance. We at the University of Louisiana at Lafayette do not agree with this line of reasoning. We will not condone the use of drugs for any purpose other than for medical reasons.

The UL Lafayette Athletic Department has a comprehensive drug testing program. The purpose of this program is to evaluate, educate and rehabilitate our student-athletes. Drugs are a serious problem because the use of drugs is 1) a violation of the law, and 2) is harmful to your health. The purpose of this program is to discourage the use of drugs.

The policy concerning drug testing will be as follows:

1. All student-athletes will be subject to random testing during the academic school year.
2. If a test proves positive, the student-athlete's urine will be tested for confirmation. If the confirmation test is positive the student-athlete will be referred to a drug counselor for evaluation.
3. For marijuana and its derivatives: During and after drug counseling, the student-athlete will be suspended indefinitely from his/her squad and removed from the athletic training table and relocated away from his/her team's dormitory. On a third confirmed test, the student-athlete will be dismissed from his/her squad for the remainder of the academic year.
4. For drugs except marijuana: If a student-athlete tests positive, he/she will be suspended from participation indefinitely. If a student-athlete has a second positive test, he/she is dismissed from his/her squad for the academic year and is removed from the Athletic Training Table and relocated away from his/her team dormitory.

### **Drug-Free Workplace Policy Faculty, Staff, and Student Employees**

The Federal Drug-Free Workplace Act of 1988 prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and student employees, permanent or temporary, who violate this policy. Any employee who violates this Drug-Free Workplace policy is subject to disciplinary actions by the

president or his designee which may include referral to civil authorities for prosecution and punishment and termination of employment.

### **Education and Prevention**

The University of Louisiana at Lafayette recognizes that a successful drug-free school and workplace program depends, in part, on how well it assists those who are drug users. Equally important, however, is the assurance to employees that personal dignity and privacy of each individual will be upheld in accomplishing the purpose. To these ends the University has provided in this policy procedures for 1) employee assistance, 2) supervisor training, 3) employee education, and 4) identification of illegal drug use through drug testing on a carefully controlled and monitored basis.

**Faculty/Staff Assistance Program (F/SAP).** The F/SAP plays an important role toward preventing and resolving employee drug use by: demonstrating the university's commitment to eliminating illegal drug use, providing employees an opportunity to discontinue their drug use with professional assistance, providing educational materials to supervisors and employees on drug use issues, assisting supervisors in confronting employees who have performance and/ or conduct problems and making appropriate referrals for treatment, and providing follow-up with individuals during rehabilitation. The director of the university Counseling and Testing Center shall be responsible for F/SAP services in cooperation with the coordinator of the Office of Drug and Alcohol Education and Prevention. The F/SAP shall ensure the confidentiality of all contacts with the individual and his/her related treatment but not be involved in the process of drug testing.

**Supervisory Training.** Supervisors have a key role in establishing and monitoring a drug-free workplace. Therefore, the university shall provide training to assist supervisors and managers in recognizing and addressing illegal drug use by employees. The Office of Drug and Alcohol Education and Prevention shall be responsible for implementing supervisory training. The purpose of such training is to communicate the following:

1. University policies relevant to work performance problems drug use, and the F/SAP.
2. How to recognize performance and behavioral changes related to drug use.
3. The roles of key individuals in the programs outlined by this policy.
4. The process of reintegrating employees into the work force.

**Employee Education.** The F/SAP shall offer drug education to all University employees. Drug education and training to all levels of the University shall include information on types of drugs, symptoms of drug use, and the effects on performance and conduct. The scheduling of drug education activities shall be the responsibility of the coordinator of drug education and prevention reflecting a regular plan for each semester. These activities may include distribution of written materials, videotape showings, lunchtime employee forums, and/or employee drug awareness days.

**Identification of Illegal Drug Use.** This policy provides for the identification of illegal drug users through supervisor training as explained above. It also provides, as a Presidential Option, for drug testing of university employees in testing designated positions on a carefully controlled and monitored basis (Appendix D). The drug testing coordinator appointed by the president or his designee shall be responsible for the drug testing program.

### **Drug Testing**

*See **Addendum** at the end of this section.*

### **Sanctions**

**Determination.** Sanctions shall be imposed on any employee who is found to violate this policy on the basis of appropriate evidence including but not limited to direct observation, evidence obtained from an arrest or criminal conviction, a verified test result, or an employee's voluntary admission.

**Mandatory Administrative Action.** The university shall refer an employee found to use drugs to the F/SAP. If the employee occupies a sensitive position (e.g., public health, safety, or law enforcement or operates machinery or vehicles) he/she may be immediately removed from that position and alternative duties assigned as determined by the president or his designee.

**Range of Consequences.** Disciplinary action taken against an employee found to use illegal drugs may include the full range of disciplinary actions, including termination of employment. Such disciplinary action may include any of the following consistent with the requirements of any governing collective bargaining agreement and the state Civil Service Act and other statutes, and University personnel procedures and policies, but some action must be taken:

1. Reprimanding the employee in writing;
2. Placing the employee on enforced leave status;
3. Suspending the employee for 14 days or less without pay;
4. Suspending the employee for 15 days or more without pay;
5. Suspending the employee until the employee successfully completes and F/SAP or the president or his designee determines that action other than suspension is more appropriate;
6. Removing the employee from employment.

**Refusal to Take a Drug Test.** An employee who refuses to take a drug test when required will be subject to the full range of disciplinary action, including termination of employment. No applicant for Testing Designated Positions who refuse to be tested will be offered employment.

**Mandatory Dismissal.** Any employee found to use drugs who refuses to obtain counseling or rehabilitation through the F/SAP shall be subject to immediate dismissal from employment. Likewise, immediate termination of employment will result after not refraining from drug use after a first finding and disciplinary action.

**Voluntary Referral.** Under Executive Order 12564, the university is required to initiate action to discipline any employee found to use illegal drugs in every circumstance except those in which the employee voluntarily admits his/her drug use, completes counseling or F/SAP, and there after refrains from drug use. A fundamental purpose of the university's drug-free workplace plan is to assist employees who themselves are seeking treatment for drug use. Because of this, and the fact that the order permits an agency to create a "safe harbor" for an employee who meets all three of these conditions, the university will not initiate disciplinary action against employees who satisfy the provisions of this section.

## **ADDENDUM TO EMPLOYEE SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE POLICY**

### **University of Louisiana at Lafayette Employee Drug Testing Policy Revised 7/03**

#### **Purpose**

The employees working within the University of Louisiana at Lafayette believe that the workplace should be free from the risks associated with the use of alcohol and drugs. The University has a legitimate interest in promoting reasonable working conditions and is committed to providing a safe and healthy environment for employees and the public.

According to Louisiana Revised Statute 49:1001-1021, the University is authorized to proceed with drug testing of employees. The context of this policy will be pursuant to this Statute and to the Drug-Free Schools and Communities Act of 1986, the federal Drug-Free Workplace Act of 1988, the Drug-Free Public Housing Act of 1988, the Louisiana Drug Testing Act of 1990, the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration procedures, Title 49CFR part 40 and part 382 et al., Louisiana Revised Statutes 23:1081 and 1601, 30:2173(2), 32:1502(5), and Executive Order MJF 98-38 (see Appendix B)

#### **Applicability/Scope**

This drug testing policy shall be implemented January 1, 1999 following notice and publication to all employees of the University of Louisiana at Lafayette.

Louisiana R.S. 49:1001 defines an employee as any person, paid or unpaid, in the service of an employer. More specifically, the person may be classified, unclassified, probationary (rehabilitation), temporary or non-temporary in a safety-sensitive and/or security-sensitive position.

Following an employment offer and prior to starting work, prospective employees applying for positions that are safety-sensitive and/or security-sensitive (see Appendix B), or whose position will involve driving a commercial motor vehicle, will be required to be tested for drugs. The individual must test free of drugs as a condition of employment.

More specific clarification of definitions follow as to positions covered by the policy that are defined under federal and state law. Certain employees could be subjected to testing under both federal and state laws.

#### **Positions Defined Under Federal Law**

- All current W-2 employees whose jobs require them to drive commercial motor vehicles as defined by the Drug-Free Workplace Policy (see Appendix A). The policy also applies to all persons who have made written application for positions that will require them to drive commercial motor vehicles. This group of employees and applicants is subject to drug testing pursuant to federal law (Department of Transportation/Federal Highway Administration Alcohol and Drug Testing Regulations – CFR 49).
- Conditions when employers must test employees for alcohol and/or controlled substances under federal law:  
Pre-employment for Safety-Sensitive Positions: Prior to the first time an employee performs a safety-sensitive function, the individual must undergo testing for controlled substances. The employee shall not be permitted to perform safety-sensitive functions unless the driver has received a controlled substances test result indicating a verified negative test result (see Appendix A).

Post-accident: A post-accident test will be conducted for any employee driver in an accident involving a loss of human life and may be done where the driver receives a moving traffic violation. A collision or occurrence meets the definition of an “accident” when the incident involves a motor vehicle operating on a public road, which results in a death or bodily injury to a person who immediately receives medical treatment away from the accident; or one or more vehicles is disabled and must be towed from the scene.

Random: Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection (see Appendix A).

Reasonable Suspicion: A supervisor’s belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible. When applicable, a reasonable cause checklist will be used with appropriate consent forms (see Appendix B).

Return-to-duty: An employee who has violated a prohibition on alcohol or controlled substance use must have a negative alcohol or controlled test before returning to duty.

Follow-up Substance Testing: A safety-sensitive employee who has been identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use is subject to follow-up testing.

Alcohol testing may be required in all of the above conditions except pre-employment as specified in 49:CFR part 40. Following a determination that an employee has misused alcohol, the employee will be removed from safety-related functions.

#### **Positions Defined Under State Law (LA. R.S. 49:1015)**

- All current W-2 employees in safety-sensitive or security-sensitive positions, both classified and unclassified. The policy also applies to all persons who have made written application for positions designated as safety-sensitive and security-sensitive. Safety-sensitive or security-sensitive functions include positions involving the transport of hazardous waste, access to drugs, and use of a firearm (see Appendix A).
- Conditions when employers may test an employee for drugs under state law:
  - Pre-employment post-hire: The prospective employees hired for a safety-sensitive position must undergo controlled substance drug testing prior to being placed in the position (see Appendix A).
  - Post-accident: An employee shall be tested following an accident during the course and scope of employment if there is reasonable suspicion of an employee’s drug use or if the accident results in:
    - a. serious injury or fatality
    - b. damage at or above \$100,000, and/or
    - c. the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials defined in R.S. 32:1502(5)
  - Random: Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection (see Appendix A).
  - Reasonable Suspicion: A supervisor’s belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible. When applicable, a reasonable cause checklist will be used with appropriate consent forms (see Appendix B).
- All current W-2 employees, both classified and unclassified; including applicable student workers, will be subject to drug testing under the following conditions: reasonable suspicion, post-accident, and testing as part of a monitoring program established to assure compliance with the terms of a rehabilitation agreement.

A public employer shall require samples to test for the presence of drugs, as a condition of hiring, from prospective employees whose principal responsibilities of employment include

operating a public vehicle, performing maintenance on a public vehicle, or supervising any public employee who operates or maintains a public vehicle pursuant to R.S. 49:1015(F)

### **Substances Tested**

Pursuant to LA R.S. 49:1001(20b), drug testing is performed for any or all of the following classes of drugs: amphetamines, cocaine, marijuana, opiates, and phencyclidine. Urine will be analyzed for the testing of drugs using the five and nine panel drug screen and blood analyzed for the testing of alcohol. The Federal Department of Transportation requires testing for alcohol.

### **Procedures, Conditions and Consequences of Drug Testing**

Pursuant to LA R.S. 49:1005(B), drug testing shall be performed in compliance with NIDA guidelines or by statutory or regulatory authority under R.S. 23:1081 et seq. and R.S. 23:1601 et seq. The cut off limits for drug testing shall be in accordance with NIDA guidelines with the exception of initial testing for marijuana, which shall be no less than fifty nanograms/ML and no more than one hundred nanograms/ML as specified by the employer or the testing entity.

Pursuant to CFR 392.4, the FHWA prohibits the use of controlled substances by drivers except as prescribed by a physician. The doctor must also advise the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Pursuant to LA R.S. 49:1015, employers are prohibited from permitting a driver who uses drugs to perform safety-sensitive functions. A driver who tests positive for drugs with a 0.04 or greater BAC is prohibited from driving. The prohibition remains in effect until the driver complies with requirements of Section 382.605, including evaluation by a SAP. A driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty. For controlled substance testing, urine specimen collection, and testing by a certified lab is required.

Following a determination that an employee has tested 0.04 BAC or greater for controlled substances, the employee must be removed from safety-related functions and cannot return to such functions until at a minimum:

- a. the employee undergoes evaluation, and where necessary, rehabilitation,
- b. a substance abuse professional determines that the employee has successfully complied with any required rehabilitation, and
- c. the employee takes a return-to-duty test with a verified negative test result.

Pursuant to LA R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening shall have the employment offer rescinded. Refusal to submit to a pre-employment post-hire job offer test will result in the individual not being hired. Any employee who refuses to submit to a return-to-duty test will not be allowed to return to duty. A second test confirmed positive would result in termination of employment.

The FHWA will disqualify drivers for one year, pursuant to CFR 49:386, if the driver refuses to submit to a post-accident test after a fatal accident.

When a required test has not been administered within a reasonable time frame following an accident for which a test is required, the following actions shall be taken:

- |                   |  |
|-------------------|--|
| 2 hours elapsed:  | Driver has not submitted to an alcohol test, employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.           |
| 8 hours elapsed:  | Cease attempts to administer alcohol test, and prepare and maintain records as described above.  |
| 32 hours elapsed: | If driver has not submitted to a controlled substance test at this time, cease attempts to administer the test, and prepare and maintain the record described above. |

A driver subject to post-accident testing must remain available, or the employer may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

### **Confidentiality**

#### LA R.S. 1012

All information, interviews, reports, statements, memoranda, and/or test results received by the University of Louisiana at Lafayette through its drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.

#### CFR 382.107

Qualitative information regarding results, such as the identification of a substance, will be provided only to the designated Medical Review Officer pursuant to current law who will report final results to the appropriate official. Results of the test will be released to appropriate licensing agencies on a need-to-know basis. All drug test results will be maintained in separate health files with restricted access in accordance with Section 382.405.

### **Violation Policy**

Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, and the general public.

**Appendix A**  
**Safety-Sensitive and Security-Sensitive Positions**

Bus Drivers

Director of University Police  
Police Captain  
Police Sergeant  
Police Corporal  
Police Lieutenant  
Police Officers (All)  
Student Police Officers

Safety Officer

RN Supervisor/Student Health Services  
Registered Nurse  
RN/Nurse Practitioner  
Practical Nurse  
Nursing Assistant  
Physician/Student Health Services

Horticultural Attendant Leader  
Horticultural Attendant Superintendent

Locksmith Master

Maintenance Foreman  
Maintenance Repairer, 1,2 and Master  
Mobile Equipment Operator  
Mobile Equipment Operator Light  
Mobile Equipment Maintenance Mechanic  
Mobile Equipment Master Mechanic  
Mobile Equipment Shop Foreman  
Mobile Equipment Overhaul Mechanic

Research Farm Assistant  
Research Farm Specialist

Safety Sensitive/Security Sensitive Positions Cont.

NIRC:

Director  
Head, Research Resources  
Head, Behavioral Sciences  
Head, Animal Resources  
Head, Veterinary Sciences  
Senior Clinical Veterinarian  
Clinical Veterinarian  
Veterinary Technological Associate  
Research Associate  
Coordinator  
Coordinator, Primate Breeder Programs  
Coordinator, Primate (African Green) Breeder Program  
Laboratory Animal Assistant Technician  
Laboratory Animal Technician  
Laboratory Animal Technologist

Purchasing Tech I  
Procurement Specialist II

Stock Clerk II

**Appendix B  
Reasonable Suspicion Checklist  
(Strictly Confidential)**

Employee Name:

Date/Time of Evaluation:

This checklist is intended to assist a supervisor in referring a person for drug testing under reasonable suspicion.

**\*\*Note: The employee must exhibit at least one of the following behaviors in Part A to be tested under reasonable suspicion.**

.....

**A. Specific Observations Concerning Appearance**

Yes No

- \_\_\_ \_\_\_ 1. Smell of Alcohol and/or Marijuana on employee's breath or person
- \_\_\_ \_\_\_ 2. Bloodshot eyes or tired eyelids
- \_\_\_ \_\_\_ 3. Excessively constricted or dilated pupils
- \_\_\_ \_\_\_ 4. Increasingly irritable; displays excess amounts of physical emotion, crying, etc.
- \_\_\_ \_\_\_ 5. Has trouble maintaining balance and composure (stumbles)
- \_\_\_ \_\_\_ 6. Persistent runny nose and/or nosebleeds
- \_\_\_ \_\_\_ 7. The appearance of hypodermic needle marks on employee
- \_\_\_ \_\_\_ 8. Other (please describe) \_\_\_\_\_

\*\*If you checked **yes** to any statements in Part A; please read and check all that apply for Parts B, C & D

.....

**B. Quality and Quantity of Work**

Yes No

- \_\_\_ \_\_\_ 1. Clear refusal to do assigned tasks
- \_\_\_ \_\_\_ 2. Repeated errors in spite of increased guidance
- \_\_\_ \_\_\_ 3. Reduced quantity of work
- \_\_\_ \_\_\_ 4. Behavior that disrupts workflow
- \_\_\_ \_\_\_ 5. More than usual supervision necessary
- \_\_\_ \_\_\_ 6. Other (please specify) \_\_\_\_\_

**C. Interpersonal Work Relationships**

- |       |       |   |
|-------|-------|---|
| Yes   | No    |   |
| _____ | _____ | 1. Significant change in relations with co-workers, supervisors                     |
| _____ | _____ | 2. Frequent or intense arguments  |
| _____ | _____ | 3. Physical abusiveness   |
| _____ | _____ | 4. Intentional avoidance of supervisor  |
| _____ | _____ | 5. Complaints by co-workers or subordinates (temper tantrums/angry outbursts, etc.) |
| _____ | _____ | 6. Demanding, rigid, inflexible   |



**D. General Job Performance**

- |       |       |  |
|-------|-------|--|
| Yes   | No    |  |
| _____ | _____ | 1. Excessive absences in last 12 months              |
| _____ | _____ | 2. Frequent Monday/Friday absences or other patterns |
| _____ | _____ | 3. Experiences or causes job related accidents       |
| _____ | _____ | 4. Major change in duty or responsibility            |
| _____ | _____ | 5. Interferes with or ignores established procedures |



**Signatures**

I hereby certify that the information given above is true to the best of my knowledge.

\_\_\_\_\_  
Supervisor #1- Name and Telephone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness/Supervisor #2 – (if available)

\_\_\_\_\_  
Date



REVISED JULY 2003