

Oklahoma State University Policy and Procedures

DRUG-FREE WORKPLACE

**1-1205
GENERAL UNIVERSITY
JULY 1992**

PURPOSE AND SCOPE

1.01 The Drug-Free Workplace Act passed by Congress in 1988 requires federal contractors and grantees to certify to the contracting or granting agency that they will provide a drug-free workplace. This policy is adopted in order to comply with this statutory directive.

DEFINITIONS

2.01 Workplace - Oklahoma State University owned or controlled property or the site for performance of work.

2.02 Controlled Substance - Cocaine, marijuana, opiates, amphetamines and any other substance designated a "controlled substance" in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

2.03 Criminal Drug Statute - A federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

2.04 Conviction - A finding of guilt (including judicial acceptance of a plea of nolo contendere) or imposition of sentence, or both, by a judicial body determining violations of federal or non-federal criminal drug statutes.

2.05 Project Director - The individual having administrative supervision over a project resulting from a federal grant or contract.

2.06 Employee - Shall include Oklahoma State University faculty, administrative and professional staff, classified staff, graduate assistants and student appointments.

POLICY

3.01 In support of this anti-drug abuse legislation, it is the policy of Oklahoma State University to establish and maintain appropriate compliance by:

- a. Publishing and distributing to all employees a written statement regarding this controlled substance prohibition in the workplace, with descriptions of disciplinary actions which may be taken against employees for violation of such prohibition. See Exhibit A, attached hereto.
- b. Establishing a drug-free awareness program.
- c. Notifying the contracting or granting agency within 10 days of receiving notice of an employee's criminal drug statute conviction for a violation occurring in the workplace.
- d. Imposing appropriate administrative disciplinary action on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted or who has otherwise violated this policy.
- e. Making a good-faith continuous effort to maintain a drug-free workplace through the implementation of the requirements set forth in the Drug-Free Workplace Act.

PROCEDURES

4.01 A copy of the written statement referenced in 3.01 (a) regarding the controlled substance prohibition in the workplace shall be disseminated to all current employees, posted in each department of the University and given to each new employee.

4.02 The project director will have the responsibility of explaining this policy to employees working on a federal contract/grant.

4.03 An employee shall notify the project director or, in the absence of a project director, his/her immediate supervisor or other supervisory administrator, in writing, of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

4.04 The project director shall notify the Office of Vice President for Research of an employee's criminal drug statute conviction for a violation occurring in the workplace. The Vice President for Research shall notify in writing the federal contracting or granting agency of such conviction within ten days of the notice under paragraph 4.03 or otherwise receiving actual notice of such conviction as required by the pertinent statute and regulations. The project director's notification shall be made in a timely

manner so that the Vice President for Research may comply with the time requirement set forth herein.

Suspensions and Disciplinary Actions

4.05 An employee found at any time to have violated the drug-free workplace policy may be disciplined by Oklahoma State University even when the violation has not resulted in a criminal conviction. Employees may also be temporarily suspended if such is deemed necessary to protect the best interest and safety of the University, its components and participants. As an alternative to disciplinary action, the University may require satisfactory participation in a drug abuse assistance or rehabilitation program as a condition to continued employment. The drug abuse assistance/rehabilitation program shall be one that has been previously approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

4.06 In determining whether a violation of the drug-free workplace policy has occurred and the disciplinary action to be imposed as a result of such violation, relevant provisions of the Faculty Handbook shall be followed insofar as faculty employees are concerned, and the relevant Policy and Procedures Letter(s) shall be followed insofar as staff employees are concerned.

4.07 One of the actions set forth above in 4.05 (i.e., discipline or satisfactory participation in a drug abuse assistance/rehabilitation program) shall be taken within 30 days of receiving notice from an employee of a conviction as provided for in 4.03.

4.08 Failure of an employee to report his/her criminal drug statute conviction for a violation in the workplace within five days of the conviction is grounds for dismissal of that employee.

4.09 For staff employees, appropriate and established leave policies will be followed for the purposes of such treatment and rehabilitation. For student employees and faculty, drug rehabilitation leave will be determined on an individual basis.

4.10 Where necessary because of conviction and incarceration, decisions relative to suspension or dismissal or the granting of leave for treatment will be determined individually.

Counseling and Rehabilitation Sources

4.11 The University Employee Assistance Program may be contacted for preliminary counsel and advice regarding chemical dependency problems and referral to approved chemical dependence treatment agencies.

Approved by the Board of Regents December 15, 1989
Revised: July 1992

Exhibit A

OKLAHOMA STATE UNIVERSITY
DRUG-FREE WORKPLACE STATEMENT

TO ALL EMPLOYEES:

In accordance with the Drug-Free Workplace Act of 1988, Oklahoma State University hereby notifies all employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. Any employee found to have violated this prohibition may be subject to disciplinary action up to and including dismissal or be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as a condition of continued employment. The drug abuse assistance/rehabilitation program shall be one that has been previously approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency. The imposition of such disciplinary action or requirement to satisfactorily participate in a drug abuse assistance/rehabilitation program is premised solely upon a violation of this prohibition and does not require a criminal conviction.

As a condition of employment at Oklahoma State University, all employees will:

1. Comply with the terms of this statement; and
2. Notify the University (through either their immediate supervisor, other supervisory administrator or project director) of any criminal drug statute conviction for a violation occurring in the workplace in writing no later than five days after such conviction.

Such conviction may, of course, result in the employee being disciplined or required to satisfactorily participate in a drug abuse assistance/rehabilitation program as

specified above. Failure of an employee to report his/her conviction, as required herein, constitutes grounds for dismissal.

As a further requirement of the Drug-Free Workplace Act, the University has established a drug-free awareness program for the purpose of informing employees about the dangers of drug abuse in the workplace, the University's prohibition of controlled substances in and on OSU property, any available drug counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed for drug abuse violations. An Employee Assistance Program has been created in furtherance of the drug-free awareness program. Information about the drug-free awareness program and the Employee Assistance Program may be obtained from University Counseling Services.

Reference is made to Policy and Procedures Letter 1-1205 and the Drug-Free Workplace Act of 1988 as sources of information and clarification.