

## ***WILLISTON STATE COLLEGE SUBSTANCE ABUSE POLICY FOR FACULTY AND STAFF***

### **PURPOSE**

Williston State College recognizes that the use of illegal drugs, and abuse of alcohol and prescription drugs is a serious problem within our society. In response to this concern, Williston State College is committed to the following goals: (1) to establish and enforce clear campus policies regarding the use of alcohol and illegal drugs; (2) to educate members of the campus community for the purpose of preventing alcohol abuse and illegal drug use; (3) to create a campus environment that promotes the individual's responsibility to him/herself and to the campus community; and (4) to provide resources through counseling and referral services for students, faculty, and staff who experience alcohol and other drug abuse problems.

### **POLICY**

Williston State College policy prohibits the abuse of alcohol or use of illegal drugs, as well as reporting for work or engaging in work or other College-related activities under the influence of alcohol or illegal drugs. Behaviors which suggest alcohol/drug abuse include (but are not limited to) the following:

1. Repeated accidents (on or off campus)
2. Repeated illness absences
3. Chronic lateness or early departures
4. Significantly diminished task performance (with no other explanation)
5. Odor of alcohol, slurred speech, unsteady gait, disorientation, paranoia, hallucinations, and other physical signs of impaired function, not caused by a known medical condition

A faculty or staff member who suspects that a colleague or co-worker is under the influence of alcohol or illegal drugs should contact his/her department chair or supervisor immediately. A faculty or staff member who suspects that a supervisor or department head is under the influence of alcohol or other illegal drugs should contact the next level of supervision or administration.

If a department chair, supervisor, or administrator has been contacted or suspects that an individual is under the influence of drugs or alcohol, he/she should contact the next level of administration for assistance. A person suspected or found to be under the influence of alcohol or other drugs and/or who may be incapable of performing his/her job will be sent home. The individual will be taken home or be sent home in a taxi. Anyone who insists on driving while suspected of being under the influence of alcohol

or other drugs will be reported to authorities.

If a person admits to being under the influence of alcohol or illegal drugs, drug or alcohol testing of the individual may not be necessary. In these cases, a mandatory referral will be made for evaluation by a licensed addiction counselor on or off campus.

If it is determined that testing is necessary because of a critical incident in the workplace or because of safety concerns for the individual, colleagues, or co-workers, blood and/or urine testing procedures will be used. Williston State College will pay the costs of all required drug or alcohol testings. Drug or alcohol testing may be conducted at the appropriate health agency with test samples sent to a certified laboratory for analysis. Random drug or alcohol testing is not explicit or implicit in this policy.

An individual suspected or found to be under the influence of alcohol and/or illegal drugs will be referred for evaluation to a licensed addiction counselor, and, if indicated, will be expected to participate in an appropriate treatment program for rehabilitation. If an individual refuses evaluation, refuses to participate in the appropriate treatment program, if it is indicated, or does not successfully complete the program, he/she will be subject to disciplinary actions up to and including dismissal.

If the individual is able to continue working while involved in the treatment program, his/her supervisor, department head, or department chair will determine if the individual is capable of performing regular job duties. If it is decided that the person should not work at his/her regular job, a temporary alternate job may be offered if one is available for which the person is qualified, or he/she will be placed on leave of absence with or without pay based on the appropriate leave of absence policy.

### **Conviction of Criminal Drug Statute Violation**

Any faculty or staff member convicted of violating a criminal drug statute in this workplace must inform his/her department chair or the supervisor of such conviction (including pleas of guilty and nolo contendere) within five working days of the conviction. Failure to so inform will subject the individual to disciplinary action, up to and including dismissal for the first offense. Under the Drug-Free Workplace Act of 1988, Williston State College will notify the federal contracting officer within 10 days of receiving such notice from a faculty or staff member on a federal grant or contract or otherwise receiving notice of such a conviction.

Williston State College reserves the right to offer individuals convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug assistance program as an alternative to discipline. If such a program is offered, and accepted by the faculty or staff member, then he/she must satisfactorily participate in the program as a condition of continued employment.

Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program. As a part of the aftercare program, monthly reports from the licensed alcohol/drug treatment program will be submitted to the supervisor or

department chair on the individual's progress while he/she is in the program. Reports of relapses and/or missed aftercare meetings will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program. Noncompliance in the above-stated elements of the aftercare program will result in disciplinary actions up to and including dismissal.

### **Aftercare**

Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program.

As a part of the aftercare program, monthly reports from the licensed drug/alcohol treatment program will be submitted to the supervisor or department chair on the individual's progress while he/she is in the program. Reports of relapses and/or missed aftercare meetings will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program.

Non-compliance in the above-stated elements of the aftercare program will result in disciplinary action up to and including dismissal.

### **Prescription Drugs**

Although prescription drugs and over-the-counter drugs are legal, their use may be unsafe under certain circumstances. A person who is using a drug which impairs mental or physical functioning should inform his/her supervisor or department chair. The supervisor will be responsible for evaluating the individual's ability to work. If necessary, the faculty or staff member may be requested to obtain a statement from the prescribing physician, authorizing the individual to work. If it is determined that it would be unsafe for an individual to work in the regular work setting, an alternative, temporary job may be offered if one is available for which the person qualifies. If no suitable job is available, the impaired person will be sent home.

### **Sale, Transfer, Possession of Illegal Drugs**

Possession of illegal drugs (except possession of current prescription drugs) is prohibited and anyone in violation shall be subject to discipline. Any person who sells, manufactures, or distributes any illegal drugs on College property will be reported to the authorities and will be subject to dismissal.

### **Legal Sanctions**

Under the North Dakota Century Code, persons in the workplace suspected of violating either alcohol or drug statutes may be referred to civil authorities for prosecution. Conviction of either state or federal alcohol or drug statutes will subject an individual (faculty or staff) to disciplinary action including, but not limited to, a required rehabilitation program, suspension, demotion, or dismissal.

The classification of offenses and the sanctions for violating specific alcohol or drug statutes are as follows:

**Chapter 12.1-32-01.** Classification of Offenses-Penalties. Offenses are divided into seven classes which are denominated and subject to maximum penalties, as follows:

1. Class AA felony: up to life imprisonment.
2. Class A felony: up to 20 years in prison, \$10,000 fine, or both.
3. Class B felony: up to 10 years in prison, \$10,000 fine, or both.
4. Class C felony: up to 5 years in prison, \$5,000 fine, or both.
5. Class A misdemeanor: up to one year prison, \$1,000 fine, or both.
6. Class B misdemeanor: up to 30 days in prison, \$500 fine, or both
7. Infraction: up to a \$500 fine

## **ALCOHOL**

Chapter 5-01-09. Alcoholic Beverages: Delivery to certain persons unlawful. Penalty for knowingly delivering alcoholic beverages to a person under twenty-one years of age, ..., or an obviously intoxicated person is guilty of a Class A misdemeanor, subject to NDCC sections 5-01-08, 5-01-08.1, 5-01-08.2, or as excepted under section 5-02-06.

Chapter 39-08-01. Persons under the influence of intoxicating liquor or other drugs or substances are not to operate a vehicle - Penalty.

Chapter 39-08-18. Open container law-Penalty.

Chapter 48-05-06. Alcoholic beverages and drugs in charitable institutions prohibited. Penalty for taking, sending, or introducing any alcoholic beverage or controlled substance into any building or upon the premises of any institution, except as stated in NDCC 48-05-06, is guilty of a Class A misdemeanor.

Chapter 19-03.1. Uniform Controlled Substance Act.

Conviction under the Uniform Controlled Substance Act carries penalties that range from 1 year imprisonment, \$1,000 fine or both, to 30 years imprisonment, \$10,000 fine or both.

Chapter 19-03.2. Imitation Controlled Substances.

Penalties range from a Class B misdemeanor for a person to use, or to possess with intent to use, an imitation controlled substance to a Class C felony for the purpose of manufacturing, distributing, or possession with the intent to distribute, an imitation controlled substance.

Chapter 19-04-08. Distribution of Anabolic Steroids Prohibited.

Penalty for distributing or possessing with the intent of distribute an anabolic steroid for use in humans other than the treatment of disease under the prescription of a physician is a Class B felony.

12.1-31.1-03. Unlawful possession of drug paraphernalia is a Class A misdemeanor.

12.1-21.2-04. Unlawful manufacture or delivery of drug paraphernalia is a Class A misdemeanor.

12.1-31.1-05. Unlawful delivery of drug paraphernalia to a minor is a Class C felony.

12.1-31.6-06. Unlawful advertisement of drug paraphernalia is a Class B misdemeanor.

Other drug or alcohol-related statutes may apply in specified circumstances for which a person may be disciplined or prosecuted by appropriate Williston State College or civil authorities, respectively. Disciplinary and appeal procedures for faculty are found in the Faculty Handbook and for staff in the Staff Personnel Policy Manual.

Federal statutes are attached as printed in the August 16, 1990, Federal Register as part of the final regulation for the Drug-Free Schools and Campuses Act.

## **SOURCES OF EDUCATION AND COUNSELING**

Williston State College offers an Employee Assistance Program (EAP) which can be used for referral to appropriate support agencies or services. The Director for HR and the Mental Health Counselor are the college contacts.

Northwest Human Service Center offers educational programs for persons seeking assistance in drug and alcohol evaluation, intervention, treatment, and aftercare.

Other agencies or licensed addiction counselors are listed in the yellow pages of the telephone book under "Alcoholism Treatment" and "Drug Abuse Information and Treatment."

## **USES AND EFFECTS OF CONTROLLED SUBSTANCES**

The table of controlled substances is reproduced from the final regulation issued from the Drug-Free Schools and Campuses Act of 1990.

## **REPORTING REQUIREMENTS AND RECORDS RETENTION**

A department chair or supervisor who has disciplined a faculty or staff member for alcohol or drug-related workplace problems or who has knowledge of an alcohol or drug-related conviction, shall notify the appropriate vice president in whose area the faculty or staff member is employed. The following information will be retained: Faculty or staff member's name, department, date and type of offense, date and type of action taken, and any follow-up or aftercare required. Disciplinary reports on staff shall be submitted to the director for business affairs, who shall be the official repository of this data. Disciplinary reports on faculty shall be placed in their official personnel file. Referral data for evaluation, treatment, or aftercare that are non-disciplinary or contain medical information shall be retained by the director for instruction or the director for business affairs.

Williston State College will undertake, at minimum, a biennial review of the program starting in 1991 to (1) determine effectiveness of and changes to the program and (2) to ensure that disciplinary sanctions are consistently enforced.

BEFORE SIGNING THIS ACKNOWLEDGEMENT,  
BE SURE YOU HAVE READ  
THE ATTACHED SUBSTANCE ABUSE POLICY

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, an employee of WILLISTON STATE COLLEGE, hereby certify that I have received a copy of Williston State College's Substance Abuse Policy regarding the maintenance of a drug-free workplace. I realize that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited at my workplace, and violation of this policy can subject me to discipline up to and including termination. I realize that as a condition of employment, I must abide by the terms of this policy and will notify my supervisor of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such a conviction. I further realize the federal law may mandate that the agency appointing authority communicate this conviction to an appropriate federal agency, and I hereby waive any and all claims that may arise for conveying this information to a federal agency.

EMPLOYEE'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_