

SRUS Policy: POLICY ON ALCOHOL AND DRUG ABUSE PREVENTION

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Policy Reviewed by: Director of Human Resources

Approval Authority: Vice President of Finance and Operations

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- A. The *Rules and Regulations, Texas State University System* (Chapter V, Paragraph 4.51(6), page V-17) states that a “faculty who, by a preponderance of the evidence under these *Rules and Regulations*, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the President or the President’s designee. That a faculty is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of these *Rules and Regulations*. If, in the judgment of the President or the Board of Regents, the best interests of the students or the Component or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings.”

The provisions and conditions for illegal use of drugs, narcotics, or controlled substances by all classified and unclassified staff employees, including administrative officers, shall be the same as those established for faculty members under Chapter V, Rule 4.51(6) of the *Rules and Regulation, Faculty Employment, Termination and Due Process, Grounds*.

Nothing herein shall be construed in derogation of the Board’s employment at will policy—that is, employees who serve without fixed term may be terminated without a hearing and without a statement of reasons. See *Rules and Regulations, Chapter V, Paragraph 1.12*.

- B. The following requirements are also being made a condition of employment for all employees as a part of the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F:

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace. Any employee convicted of any criminal drug statute violation occurring in the workplace will notify Sul Ross State University no later than five days after such conviction. Within ten days after receiving notice from the employee or otherwise receiving notice of the actual conviction, Sul Ross State University will notify any federal agency that had contracted or granted funds to a program in which that employee was engaged. Within thirty days of receiving notice of the conviction, Sul Ross State University will take the following actions with respect to any employee who is so convicted: (1) taking appropriate personnel action against such an employee, up

to and including termination; or (2) requiring such employee at the employee's expense to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

- C. In accordance with the Drug Free Schools and Campuses Drug Prevention Program Certification, Sul Ross State University has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as a part of any of its activities. The University promotes a drug-free awareness program to keep its employees and students informed about the dangers of drug abuse; the policy of maintaining a drug-free workplace; the health risks of drug abuse; available drug counseling, rehabilitation, and employee assistance programs; penalties that may be imposed for drug abuse violations occurring in the workplace; and the legal sanctions of possession or distribution of alcohol or other drugs. Sul Ross State University will make a good faith effort to continue to maintain a drug-free workplace and a drug-free campus. Each employee will be given a copy of this statement.

- D. The foregoing statement from the *Rules and Regulations, Texas State University System*, shall serve as University policy in addressing employee sanctions. Further, nothing herein shall prevent the University from taking any other action permitted by the *Rules and Regulations, Texas State University System*, regardless of the actions of civil authorities.