

# Drug and Alcohol Abuse Prevention

Health and Safety – Substance Abuse

**EWU Policy 602-01**

**Effective: February 24, 2022**

**Authority: EWU Board of Trustees**

**Proponent: University President**

**Summary:** This policy establishes standards and regulations for the prevention of drug and alcohol abuse as prescribed by the Drug-Free Schools and Communities Act of 1989 (20 U.S.C. § 1011i). This policy also describes university and individual requirements relative to compliance with the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 701-707).

**History:** This policy revises and supersedes a previous version of the policy dated December 3, 2013. It was adopted by the EWU Board of Trustees on February 24, 2022.

**Applicability:** This policy applies to all university employees and students, and to all campus visitors, including guests, contractors, subcontractors, volunteers and service providers in addition to the requirements of WAC 172-64. This policy also applies to all persons affiliated with federally funded grants, cooperative agreements, or other financial assistance as described in Subpart F, Definitions, to 34 C.F.R. Part 84.

## 1. INTRODUCTION

Eastern Washington University is committed to maintaining an environment free of alcohol and drug abuse.

## 2. STANDARDS OF CONDUCT

The university prohibits the unlawful manufacture, delivery, possession, or use of alcohol, controlled substances, and drug paraphernalia while on university property, while conducting university business, and while participating in any university sponsored activities whether on campus or not.

### 2-1. Alcohol

#### a. General:

The use, possession, delivery and sale of alcohol while on university-owned or controlled property is prohibited except as authorized by the university under WAC 172-64, *Alcohol Policy at Eastern Washington University*. Any authorized use must comply with state and federal laws, and all university policies, rules and regulations.

Alcohol use must not infringe on the privacy and peace of another individual, and must not disrupt or obstruct the course of teaching, research, administration, disciplinary proceedings, freedom of movement or other lawful activities on the university campus.

#### b. Being under the influence:

Employees are prohibited from being under the influence of alcohol while on university property, performing job duties, conducting university business, driving an official vehicle, or participating in any on or off campus university activity.

Being "under the influence" is defined as exhibiting impaired behavior which may limit a person's ability to perform their expected tasks or which poses a threat to the safety or well-being of the person or others.

### 2-2. Controlled Substances

Controlled substances, as used in this policy, refers to those substances designated as schedule I through V under the Controlled Substances Act (21 U.S.C. § 812) and 21 C.F.R.

§§ 1308.11-.15. Marijuana is still an illegal controlled substance under federal law.

It is prohibited, while on any university-owned or controlled property, including within residence halls, while conducting university business, or during any university-sponsored activity, for any person to use, possess, distribute, manufacture, sell, or to be under the influence of, a controlled substance. This prohibition includes marijuana. Exceptions to this prohibition may be permitted for

controlled substances that are legally prescribed medications, subject to the provisions of section 2-3.

Being "under the influence" is defined as exhibiting impaired behavior which may limit a person's ability to perform their expected tasks or which poses a threat to the safety or well-being of the person or others.

### **2-3. Prescription & Over the Counter Drugs**

The use of prescription and over the counter (OTC) drugs is permitted when taken as prescribed or, for OTC drugs, as directed by package instructions, so long as the medications do not adversely affect the ability, performance, or safety of the consumer or others. The use of prescription and OTC drugs in excess of the prescribed amount or as directed by package instructions, is a violation of this policy.

If an employee's use of medication could adversely affect their ability, performance, or workplace safety, the employee must follow appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify supervisor). The employee need only disclose that he or she is taking medication. The medical reason or drug name need not be disclosed to the supervisor. In cases where the employee will be working while using medication(s) which could adversely affect their ability, performance, or workplace safety, the employee may be required to disclose the name of the medication(s) to human resources so that appropriate response measures can be taken.

If a student's use of medication could adversely affect their ability, performance, or safety, the student should inform their advisor, instructor, or the Dean of Students.

### **2-4. Other Requirements**

#### **a. Individual Responsibility**

Employees and students are responsible for resolving their own alcohol or drug abuse problems. The university will make reasonable efforts to assist persons who self-report an alcohol or drug abuse problem.

Employees and students who have performance or attendance problems resulting from alcohol or drug abuse or intentional misuse are subject to

disciplinary action, up to and including termination/expulsion.

#### **b. Reporting**

University students and employees are expected to report suspected violations of this policy to their supervisor or the Director of Student Rights and Responsibilities (SRR) and to report suspected illegal activities to University Police or to local law enforcement agencies. Anyone who is concerned that an employee or a student may have an alcohol or drug-related problem is encouraged to consult with their supervisor, Human Resources, Counseling and Wellness Services, the Employee Assistance Program, or other appropriate resources.

#### **c. Enforcement**

Supervisors are responsible for enforcing this policy with respect to the employees they supervise. The Dean of Students has the primary responsibility for enforcing this policy with respect to students.

#### **d. Confidentiality**

Complaints and investigations regarding violations of this policy will be maintained in a confidential manner to the extent permitted by law.

#### **e. Driver's License Revocation/Suspension**

Any employee, who is required to have a valid driver's license, must notify their immediate supervisor of any revocation or suspension of their driver's license on the first work day following the license suspension or revocation.

No person, including students, visitors, contractors, etc, may operate a vehicle on state property or in the conduct of university business if their driver's license has been revoked or suspended.

#### **f. Treatment/Assistance:**

The university encourages employees and students to voluntarily seek appropriate assistance if they are dependent on alcohol or drugs. All requests and referrals for assistance must be kept confidential consistent with applicable law.

### 3. ENFORCEMENT AND COMPLIANCE

EWU upholds all state and federal laws pertaining to alcohol and controlled substances.

EWU will take action against any person who violates state law, federal law, or any university regulation or policy concerning alcohol or controlled substances when such violation:

- (1) occurs in or on property controlled or owned by EWU;
- (2) involves university business or activities; or
- (3) affects the fitness of university employees to perform the duties of their job or position.

#### 3-1. Sanctions and Remedial Actions

##### a. Employees.

- (1) Violation of this policy, or of related provisions in a collective bargaining agreement (CBA), may result in disciplinary action, up to and including termination of employment, and/or the requirement of satisfactory participation in evaluation and/or treatment in an approved drug/alcohol abuse assistance or rehabilitation program.
- (2) Actions under this policy shall be taken in accordance with applicable personnel rules, state laws and regulations, collective bargaining agreements, and other policies of the university and shall conform to the provisions of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

b. Students. Violation of this policy may result in appropriate disciplinary sanctions as provided in the Student Conduct Code, WAC 172-121.

In situations involving intoxication, alcohol poisoning, or drug-related medical issues, students are encouraged to seek swift medical assistance for themselves and others without fear of penalty. Students requesting, providing, and/or receiving medical assistance in these situations will not typically be subject to the student conduct process beyond being required to engage in drug or alcohol education. This policy refers to isolated incidents and does not excuse students who repeatedly or flagrantly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code or violations of federal, state, or local laws.

c. Campus Visitors. The university may enforce this policy and take action against guests, contractors, subcontractors, volunteers or service providers who violate this policy.

d. Employees, students, and campus visitors may also be subject to criminal prosecution under federal, state, and local laws that could result in fines, imprisonment, and/or loss of student financial aid. These legal sanctions are in addition to any disciplinary sanctions imposed by the university.

### 4. FEDERALLY FUNDED ACTIVITIES

#### 4-1. University Responsibilities

As a recipient of federal financial awards in the form of grants and/or cooperative agreements, Eastern Washington University must comply with the Drug-Free Workplace Act.

#### 4-2. Notification and Reporting Requirements

a. Employees convicted of a criminal alcohol or drug offense that occurred on EWU owned or controlled property or while conducting university business must report the conviction to their supervisor in writing within five days of the conviction. The supervisor will contact the Office of Grants and Research within three business days to determine whether the crime occurred during the conduct of any federally funded award activity.

b. Supervisors, department heads, and principal investigators, who are aware of any drug crime convictions of individuals (students or employees) who work on a sponsored project, for violations that occurred in the workplace, must report that information to the Office of Grants and Research.

#### 4-3. University Response Requirements

If an employee, who is directly engaged in the performance of work under a federally funded award (as described in 34 C.F.R. Part 84), is convicted of a drug violation in the workplace, EWU shall:

a. Notify, in writing, within ten calendar days after learning of the conviction, every federal agency on whose award the convicted employee was working; and

b. Within 30 calendar days of learning about the conviction, either—

- (1) take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), or

require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a federal, state or local health, law enforcement, or other appropriate agency.

## 5. NOTIFICATIONS

Each year, EWU will provide written notification of its alcohol and drug policies, programs and information to every student and employee. The annual notification will contain, at a minimum, the following information:

- 1) EWU's standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on EWU property or as part of any university activities;
- 2) a description of applicable sanctions for violations of federal, state, and local law;
- 3) a clear statement that EWU will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of this policy. For the purposes of this policy, a disciplinary sanction may include the completion of an appropriate rehabilitation program;
- 4) a description of health risks associated with alcohol and other drug use; and
- 5) a description of available counseling, treatment, or rehabilitation or re-entry programs.

**Preparation:** The Vice President for Student Affairs shall designate an employee to prepare/review the annual notification. Representatives from student affairs and human resources shall jointly prepare/review contents of the annual notification as needed.

**Distribution:** The notification will be delivered in a manner that will enhance visibility and provide a means for verifying distribution.

The Vice President for Student Affairs designee shall prepare a record of the annual notification, to include a copy of the notification contents, a description of the notification method, and a description of the results/responses.

The Vice President for Student Affairs shall provide copies of the report to the Executive Committee.

### Initial Notifications

The Vice President for Student Affairs shall ensure all new students are provided with the annual notification.

Human Resource Services shall ensure all new employees are provided with the annual notification.

### Other Notifications

The Vice President for Business and Finance shall ensure that all contractors and service providers performing work on EWU property are provided with the information contained in the annual notification.

The Office of Grants and Research shall ensure that workers and volunteers affiliated with federally funded activities are provided with a copy of the drug-free workplace statement (see § 4-1).

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## 6. BIENNIAL REVIEW

The Vice President for Student Affairs and the Director of Human Resources shall coordinate preparation of a biennial review of EWU's drug and alcohol abuse prevention programs. Per 34 C.F.R. Part 86, the biennial review shall address program effectiveness, consistency of disciplinary sanctions, and program changes.

EWU departments and offices shall cooperate fully with this process and shall provide timely responses to the persons preparing the report.

The Vice President for Student Affairs shall maintain official files of biennial reviews and shall distribute those files as needed for university operations or as requested by the Department of Education.