ALCOHOL AND DRUG-FREE WORKPLACE

A. Purpose

The purpose of this policy is to set forth The University of Texas-Pan American's policy concerning the manufacture, sale, possession, distribution, or use of alcohol or illegal drugs:

1. during working hours;

2. in a manner while off duty that impairs on-duty work performance; and/or

3. in a manner while in attendance at an official University function or at an authorized University site that adversely affects the performance of the employee or may adversely affect the health or safety of any other person.

B. Persons Affected

This policy applies to all UTPA employees including full-time, part-time and student employees.

C. Policy

The University will adhere to The University of Texas System Policies UTS102 and UTS164. The University's policy is:

1. Unauthorized purchase, manufacture, distribution, possession, sale, storage or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by the University, or while in vehicles used for University business are prohibited.

2. The unauthorized use or possession of alcohol while on duty or while in vehicles used for University business is prohibited.

3. Use of alcohol or an illegal drug or controlled substance while not on duty which adversely affects job performance or may adversely affect the health or safety of other employees, students, or visitors is prohibited.

4. Use of alcohol at an authorized University function, in the course of official University business, or at an authorized University site which adversely affects job performance or may adversely affect the health or safety of any other person is prohibited.

5. Published warnings about prescribed or over-the-counter medication and its impact on

work performance or the adverse effects on the safety of others must be heeded by the employee. A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an employee's ability to perform assigned work in a safe manner because of such medications.

6. Distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on premises or property controlled by the University is prohibited.

7. Employees who use illegal drugs or abuse controlled substances or alcohol are encouraged to seek help from available resources.

8. Employees will also comply with *Handbook of Operating Procedures* Section 4.9.1 – Alcoholic Beverages and Section 8.8.5 Transportation Workplace Drug and Alcohol Testing.

D. Definitions

1. *Illegal Drug or Controlled Substance.* Any drug or substance so defined by federal or state statute or regulation.

2. *Alcohol*. Alcoholic beverage means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted. (Reference Texas *Alcoholic Beverage Code*, Chapter 1 General Provisions, Section 1.04)

E. Responsibilities

1. Employees are responsible for full compliance with this policy.

2. Employees are responsible for ensuring guests on University premises are compliant with this policy.

3. Supervisors are responsible for enforcing compliance with this policy, and for handling violations of this policy in accordance with established University administrative/disciplinary procedures.

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F. Procedures

1. Compliance

All employees shall comply with this policy.

2. Standards of Conduct

Employees are expected to conduct themselves in accordance with The University of Texas Board of Regents' *Rules and Regulations* Rule 30103 – Standards of Conduct.

3. Enforcement

a. An employee who violates this policy may be subject to disciplinary action, including termination.

b. At the discretion of the University, the employee may be referred to an assistance program and/or may be required to participate in and satisfactorily complete a chemical abuse rehabilitation program as a condition of continued employment.

4. Employee Testing

a. Employees may be required to undergo drug and/or alcohol testing when a supervisor observes an employee exhibiting such appearance and behavior in violation of this policy.

b. Employees may be required to undergo drug and/or alcohol testing pursuant to drug and alcohol program requirements for specific positions.

c. Employees may be required to undergo drug and/or alcohol testing as part of a random drug/alcohol testing program.

d. Employees may be required to undergo drug and/or alcohol testing under the provisions of Handbook of Operating Procedures Section 8.8.5 Transportation Workplace Drug and Alcohol Testing.

G. Review

The divisional head for this policy is the Vice President for Business Affairs and this policy shall be reviewed every five years or sooner if necessary by the following stakeholders:

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1. Assistant Vice President/Director of Human Resources – Senior Reviewer
2. Chief of Police
3. Director of Environmental Health and Safety
4. Auxiliary Services Director
5. Dean of Students
6. Academic Affairs Executive Team
7. Faculty Senate Chair
8. Staff Senate Chair
9. Student Government Association President