

University of Mississippi Drug-Free Workplace and Workforce

Summary/Purpose: The University of Mississippi is committed to maintaining a drug-free workplace and workforce in conformity with federal laws as set forth in the Drug-Free Workplace Act of 1988 and the Department of Defense (DOD) Drug-Free Workforce Rule of 1988.

The University of Mississippi is committed to maintaining a drug-free workplace and workforce in conformity with federal laws as set forth in the Drug-Free Workplace Act of 1988 (41 U.S.C.A. Section 8101 *et seq.*), as amended, and the Department of Defense (DOD) Drug-Free Workforce Rule of 1988. In the interest of a healthy workforce, and as a result of the law, the University of Mississippi is a drug-free workplace. Faculty and staff members are specifically prohibited from possessing, using, manufacturing, selling, distributing, or in any other way involving themselves with controlled substances both on and off campus, except as permitted in the relevant legislation.

For purposes of this policy, the terms "faculty and staff members" shall specifically include all personnel employed by the University, whether full-time or part-time. The terms "controlled substances" shall mean those drugs and substances set forth in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 C.F.R. 1300.11 Through 1300.15. The term "workplace" is any location where a faculty or staff member is functioning within his or her job capacity.

Workplace and Health Risks

The University is committed to providing a safe work environment and a workplace free from the use of controlled substances and misuse of prescribed medications; therefore, such activities are prohibited. Employees must refrain from the use of controlled substances while on duty, which includes on call assignments and University business conducted at off-site locations. Substance abuse may affect the workplace as well as impose harm to the individual. Impairments may affect job performance, increase absenteeism, cause serious accidents, and result in decreased morale. The use of controlled substances may cause health risks; such as, stroke, cardiovascular and lung disease, seizures, miscarriage, and birth defects.

Notification of Convictions

Any faculty or staff member who has been convicted of a criminal drug statute violation occurring in the workplace must notify the Department of Human Resources no later than five (5) days after the conviction.

1. Upon notification of such a conviction, the University will initiate appropriate personnel action within thirty (30) days of such notification.
2. Upon notification of such a conviction, the University is required by law to notify the applicable funding agency(s) within ten (10) days if the faculty or staff member is working in a position that is funded by federal monies.

Sanctions

1. Depending upon the facts relating to any drug conviction or use, the employee may be: suspended pending further investigation; required to participate satisfactorily in a drug abuse assistance or rehabilitation program; issued a formal warning; or terminated. For disciplinary actions, up to and including termination, the applicable procedure will apply, based upon the status of the employee (i.e. faculty/staff, within probationary period/outside probationary period, temporary/permanent, level of responsibility, etc.). Any action will be initiated within thirty (30) days after the facts have become known by the University.

When made aware of illegal activity, the University may be obligated to notify the appropriate University, municipal, state, and/or federal law enforcement agency. Employees convicted of violations of federal or state criminal drug statutes may be subject to fines and/or imprisonment.

2. If a faculty or staff member fails to notify the Department of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction, he/she will be suspended pending investigation with termination possible.
3. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Drug-Free Awareness Program

The University has established a Drug-Free Awareness Program which is administered through the University Counseling Center and the Department of Human Resources. This program provides supervisory training programs in the identification of illegal drug use, drug counseling for any student or employee, and confidential referrals to rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

The Employee Assistance Program provides short-term, inpatient services to faculty and staff for work-related conflicts, marital conflicts, divorce issues, child-rearing issues, alcohol/drug issues, stress reduction, grief/loss issues, depression, and anxiety. Employees who may need long-term consultation or other services to achieve the goals of their treatment plan may be referred to other counseling, treatment, rehabilitation services available in Oxford and surrounding communities. Information about the Employee Assistance Program is disseminated to employees at new hire orientation and during the annual University Health Fair and University Benefits Fair. Additional information about the Employee Assistance Program is available on the University of Mississippi Counseling Center website and in the Employee Assistance Program policy which can be accessed on the University's policy website. Faculty and staff who seek services through the Employee Assistance Program shall be protected from abuse and retaliatory action. The University respects the rights of its employees and will protect the confidentiality of medical information to the fullest extent possible.

To ensure compliance with the Drug-Free Workplace Act of 1988 notification requirement, this policy will be distributed to faculty and staff on an annual basis. All newly employed faculty and staff, whether exempt or non-exempt, temporary or permanent, will receive a copy of this policy during in-hire processing.