



Policy Chapter: Chapter 5 Human Resources

Policy Number and Title: 05.004 Drug-Free University Community and Workplace

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## I. Policy Statement

The University of North Texas (UNT) is committed to maintaining a campus environment that is free from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcohol by faculty, staff, students, and visitors on all University property and as part of any official University activity or workplace, including performance of work done in connection with sponsored projects, consistent with federal and state law. This policy is implemented in compliance with the [Drug-Free Schools and Communities Act](#), as amended, and the [Drug Free Workplace Act](#).

## II. Application of Policy

All employees, students, and visitors.

## III. Policy Definitions

### A. Alcohol

“Alcohol,” in this policy, 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.

### B. Controlled Substance

“Controlled Substance,” in this policy, means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the [Texas Controlled Substances Act](#). This term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance.

### C. Conviction

“Conviction,” in this policy, means a finding of guilt (including a plea of nolo contendere), an imposition of sentence, or both, by a judicial body charged with the responsibility to determine violations of Federal or State criminal drug statutes.

### D. Employee

“Employee,” in this policy, means an individual who is employed part-time, full-time, or in a temporary capacity by the University.

### E. Illicit Drug

“Illicit drug,” in this policy, means any controlled substance whose use, sale, possession, purchase, or transfer is restricted or prohibited by law.

### F. Impaired

“Impaired,” in this policy, means under the influence of a substance such that the employee’s

motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment either is or is reasonably presumed to be diminished.

**G. *Inhalant***

“Inhalant,” in this policy, means invisible, volatile substances found in common household products that produce chemical vapors that are inhaled to induce psychoactive or mind-altering effects.

**H. *Possession***

“Possession,” in this policy, means actual care, custody, control, or management of a controlled substance or alcohol.

**I. *Sponsored Project***

“Sponsored project,” in this policy, means a project, in the form of a grant, cooperative agreement, or contract, funded by an external sponsor through an award with the University.

**J. *Student***

“Student,” in this policy, means any person who is currently enrolled at the University of North Texas.

**K. *Visitor***

“Visitor,” in this policy, means an individual who is not a student or employee of the University.

**L. *Workplace***

“Workplace,” in this policy, means any location where official University business is conducted, including all buildings, grounds, vehicles, rental spaces, affiliated universities, and off-campus activities.

**IV. Policy Responsibilities**

**A. *Drug- and Alcohol-Free University Community***

The University prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcoholic beverage by faculty, staff, students, and visitors on all University property and as part of any officially sponsored University activity.

The use of alcoholic beverages is prohibited on UNT property or as part of any UNT activity except as provided for in [UNT Policy 04.016 Use of Alcoholic Beverages](#).

**B. *Drug- and Alcohol-Free Workplace***

The University prohibits employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the workplace:

- during working hours;

- in a manner while off duty that impairs on-duty work performance; or
- in a manner while in attendance at an official University function or at an authorized University site or function when it adversely affects the performance of the employee or may adversely impact the health or safety of any other person.

1. Impairment

No employee will report for work or be permitted to work while impaired by a controlled substance or alcohol.

2. Possession and Use

Employees are prohibited from possession or use of illicit drugs, unlawful controlled substances and alcohol in the workplace. Alcohol consumption is generally prohibited during the workday, including rest periods and meal periods, except at authorized University-sponsored events where alcohol is served pursuant to [UNT Policy 04.016 Use of Alcoholic Beverages](#).

If there is reasonable cause to suspect that an employee is in possession of illicit drugs, controlled substances, or alcohol, the University reserves the right to conduct searches of University property, vehicles, and facilities, including work areas, desks, and areas entrusted to employees, such as lockers assigned to employees. In situations where there is suspicion that an employee is in possession of illicit drugs, controlled substances or alcohol on the employee's person or in personally owned vehicles the UNT Police Department must be consulted.

3. Employee Notification and Certification

Pursuant to federal law, the University is required to notify all employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance in or on any premises or property owned by the University or at any officially sponsored University activity is prohibited.

As a condition of employment, all employees, including those whose responsibilities are directly related to or are funded by federal sponsored projects, must:

- a. abide by the terms of this policy;
- b. notify their supervisor, including the responsible Principal Investigator/Project Director of a sponsored project, of any conviction for a violation of federal or state drug law occurring in the workplace no later than five (5) business days after such conviction;
  - i. appropriate University officials must notify the appropriate agency within ten (10) days after receiving of such conviction, or as soon as otherwise receiving actual notice of such conviction; and
- c. inform Human Resources of any change to the individual's criminal history

information within five (5) business days of the change, in accordance with [UNT policy 05.006, Background Checks](#).

#### 4. Testing

Employees may be required to undergo drug and/or alcohol testing pursuant to drug and alcohol program requirements for specific positions as a condition of employment.

### **C. Prevention Program**

The [Drug-Free Schools and Communities Act](#), as amended, requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the unlawful possession; use; dispensation; or distribution of inhalants, illicit drugs, over-the-counter drugs, prescription drugs, and alcohol by all students and employees. In addition to meeting the requirements of the federal law, UNT also intends that this policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus community. Thus, the emphasis in the program implementation will be on prevention, education, counseling, intervention, assessment, and referral.

The Vice President for Student Affairs, unless otherwise designated by the President, is responsible for the development and continuing implementation of this program. The program must include, at a minimum, the following activities:

#### **1. Program Communication**

Annual distribution of written materials to every employee and student that includes:

- a. the policy and standards of conduct that clearly prohibits the unlawful possession, use, or distribution of illicit drugs, alcohol, and inhalants by students and employees on University property or as part of any officially sponsored University activity;
- b. a list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol;
- c. a description of the health risks associated with the abuse of alcohol or use of illicit drugs;
- d. a list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students; and
- e. a statement that the University may impose disciplinary sanctions to students and employees for violations of the standards of conduct by students or employees and a description of the sanctions, including expulsion from the University or termination of employment and referral for prosecution.

#### **2. Program Review**

The University must conduct a biennial review of the UNT drug prevention program to determine its effectiveness and implement changes to the program(s) if needed

and ensure that sanctions are consistently enforced. This review must be conducted under the direction of the Vice President for Student Affairs or their designee. The Vice President must appoint an interdisciplinary committee composed of representatives from the administration, Student Government Association, and other appropriate offices. Upon conclusion of the review, the Vice President must make a complete report to the President on the effectiveness of the program, including recommendations for corrective actions or additional activities to enhance the program's effectiveness.

#### ***D. Counseling and Rehabilitation Services***

##### **1. Students**

The Substance Use Resource and Education program is available to all students. This program includes risk assessments, referrals, resource information, education sessions, and consultations. In some instances, emergency referrals and consultations for faculty and staff may be appropriate.

##### **2. Employees**

The Employee Assistance Program ("EAP"), administered by Human Resources, is available to assist benefit-eligible employees and members of their households with personal problems, including those related to drugs or alcohol, by providing referrals to counselors, agencies, facilities, or other resources most able to meet the needs of the employee or family member. Participation in the EAP is voluntary and confidential; however, at the discretion of the University, an employee may be referred to the EAP and may be required to participate in and satisfactorily complete a chemical abuse rehabilitation program as a condition of continued employment.

#### ***E. Sanctions***

Sanctions for violations of this policy range from mandatory participation in University approved drug and alcohol abuse counseling and rehabilitation programs to expulsion from the University or termination of employment. Each violation must be considered separately with regards to the unique facts and circumstances prior to imposition of a sanction. After consultation with appropriate personnel, supervisors may recommend a University approved drug or alcohol counseling and rehabilitation program in lieu of or in addition to the sanctions available in the applicable University policies.

In addition to any penalty resulting from violation of this policy, the University may also refer suspicion of illegal activities by any employee or student to the UNT Police Department.

Procedures for addressing violations of this policy include the following:

##### **1. Employees**

Employees who violate provisions of this policy are subject to disciplinary action, up to and including termination of employment.

a. Faculty

If a faculty member violates this policy, the procedures specified in [UNT Policy 06.025, Faculty Misconduct and Discipline](#), must be followed.

b. Staff

If a staff member violates this policy, the procedures specified in [UNT Policy 05.033, Staff Employee Discipline and Discharge](#), must be followed.

2. Students

If a student violates this policy, the disciplinary procedures specified in [UNT Policy 07.012 Code of Student Conduct](#), must be followed. If the student found in violation of this policy is also an employee of the University, sanctions may include termination of employment.

3. Visitors

Visitors found in violation of this policy or any other policy related to the safety and welfare of the University community may be subject to criminal trespass warning procedures.

**V. References and Cross-References**

[Drug Free Workplace Act of 1988 \(41 U.S.C. §§ 701-707\)](#)

[Drug Free Schools and Communities Act of 1989 \(Public Law 101-226\)](#)

[20 U.S.C. §1145g](#)

[34 C.F.R. § 86](#)

[Drug Free Work Rules for Department of Defense \(DOD\) Contractors \(48 C.F.R. §§252.223-7004\)](#)

[4 Tex Admin. Code §411.091](#)

[Texas Controlled Substances Act](#)

[Texas Workers Compensation Act](#)

[UNT Policy 04.016, Use of Alcoholic Beverages](#)

[UNT Policy 05.006, Background Checks](#)

[UNT Policy 05.033, Staff Employee Discipline and Discharge](#)

[UNT Policy 06.025, Faculty Misconduct and Discipline](#)

[UNT Policy 07.012, Code of Student Conduct](#)

[UNT Policy 15.004, DOT Alcohol and Controlled Substances Testing of Commercial Drivers](#)

**VI. Revision History**

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