

Policies of the University of North Texas	Chapter 5
05.047 Drug-Free Workplaces	Human Resources

Policy Statement. As part of the omnibus drug legislation enacted November 18, 1988, the U.S. Congress created the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D). This statute requires that contractors and grantees of Federal agencies certify that they will provide drug-free workplaces. The statute was implemented by the Interim Final Rules published in the Federal Register, Vol. 54, No.19, Tuesday, January 31, 1989.

Under these rules, the University of North Texas is required to certify to the Federal government that it is providing drug-free workplaces. This policy implements the Drug-Free Workplace Act of 1988 at the University.

This policy is in addition to and not in lieu of any other University policy. The University reserves the right to take disciplinary action against employees regarding misconduct under this or other applicable policies of the University.

Application of Policy.

Total University

Definitions.

1. **Controlled substance.** "Controlled substance" means a controlled substance 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 CFR 1300.11 through 1300.15.
2. **Conviction.** "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.
3. **Criminal Drug Statute.** "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
4. **Drug-Free Workplace.** "Drug-free workplace" means a site for the performance of work done in connection with a specific Federal grant or contract at which employees of the University are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.
5. **Employee.** "Employee" means any employee of the University directly or indirectly engaged in the performance of work under a Federal grant or contract, including:
 - a. All "direct charge" employees (those whose services are directly and explicitly paid for with Federal grant/contract funds).

- b. All "indirect charge" employees (those who perform support or administrative functions related to the grant/contract that are paid for in part by Federal funds), unless their impact or involvement is insignificant to the performance of the grant/contract.
 - c. Temporary personnel and consultants who are directly engaged in the performance of work under the grant/contract and who are on the University's payroll.
6. Federal Agency. "Federal agency" or "agency" means any United States executive department, military department government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.
 7. Grant. "Grant" means an award of financial assistance, including a cooperative agreement, in the form of money, or property, in lieu of money, by a Federal agency directly to the University. The term "grant" includes block grant entitlement grant programs, whether or not exempted from coverage under the grants-management government-wide regulation. The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations, or any veterans' benefits to individuals.
 8. Contract. "Contract" means only procurement contracts (including purchase orders) in excess of \$25,000 awarded to the University pursuant to the provisions of the Federal Acquisition Regulation (FAR) that are to be performed, in whole or in part, in the United States.
 9. Grantee. "Grantee" means the University of North Texas.
 10. Contractor. "Contractor" means the University of North Texas.

Procedures and Responsibilities.

1. Policy. It is the policy of the University of North Texas to provide drug-free workplaces for the performance of work done in connection with grants and contracts from Federal agencies. Under this policy, all University employees are specifically prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in those workplaces.

All employees directly engaged in the performance of work pursuant to Federal grants and contracts shall be notified in writing of the provisions of this policy. The Principal Investigator(s)/Project Director(s) of each grant and contract shall be responsible for ensuring that the workplace is drug-free and for the conformance of all employees under his/her direction with the provisions of this policy.

2. Specific Provisions.

- 2.1. Public Statement. The University shall publish a statement notifying employees that the unlawful manufacture, distribution, dispensing,

possession or use of a controlled substance is prohibited in all workplaces where work is being done in connection with any Federal grant or contract.

2.2. Awareness Program. The University shall expand its current drug-free awareness programs as necessary to inform employees about:

1. The dangers of drug abuse in the workplace.
2. This policy of maintaining drug-free workplaces.
3. Available drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

2.3. Individual Employee Notification and Agreements. Each University employee involved in the performance of work under a Federal grant or contract shall be given a copy of the Public Statement described above. Further, each such employee shall be required to sign a statement that, as a condition of his/her employment, the employee will:

1. Abide by the terms of the agreement and this policy.
2. Notify the responsible Principle Investigator/Project Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

The University shall notify the appropriate Federal agency within ten days after receiving a notification under item 2 above or otherwise receiving actual notice of such conviction.

3. Penalties. Upon receipt of notification that an employee has been convicted of violating any criminal drug statute in a workplace where the work being performed is directly related to a Federal grant or contract, the University shall review the circumstances of the individual case and shall take appropriate action. Should an employee commit a drug abuse violation in a workplace where the work being performed is directly related to a Federal grant or contract, the University shall take appropriate action.

Penalties for violation of this policy range from mandatory participation in University-approved drug counseling and rehabilitation programs to dismissal from the University. Each case will be determined separately on its merits. Supervisors may recommend an option of University-approved drug counseling and rehabilitation in lieu of or in addition to the specified sanctions in the Policy Manual, as applicable. Initial personnel action must be taken within 30 days of observation of the violation or of receiving notification of a criminal drug statute conviction for a violation occurring in the workplace.

If the offender is a faculty member, his or her supervisor (usually the department chair) shall initially recommend to the dean and thereafter to the Vice President for Academic Affairs and Provost and Executive Vice President the appropriate sanction. Except in cases of a recommended termination of a non-tenured faculty member during the terms of

his/her employment or of a tenured faculty member, the faculty member may appeal to the University Review Committee. In cases of a recommended termination of a non-tenured faculty member during the term of his/her employment or a tenured faculty member, the Supplemental Policy on Evaluating Tenured Faculty at the University of North Texas will be followed (Policy 06.014).

If the offender is a staff member or a paid student assistant, the procedures to be followed are those specified in the then current edition of the University of North Texas Policy Manual. In any case, all due process procedures will be followed.

Responsible Party: Provost and Vice President for Academic Affairs

References and Cross-references.

UNT Policy 06.014, Supplemental Policy on Evaluating Tenured Faculty at UNT
Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D
Interim Final Rules, Federal Register, Vol. 54, No.19

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