

DELAWARE VALLEY UNIVERSITY

HUMAN RESOURCES POLICY FOR: Faculty, Staff, and Custodians
SUBSECTION: Drug Free and Alcohol Abuse 404
REVISION DATE: August 31, 2018

404.1 Drug-Free Workplace and Alcohol Abuse Policy

Delaware Valley University values all of our employees. Safety, health, and general well-being are of utmost importance to the University. As such, Delaware Valley University is committed to maintaining a workplace free from illicit drug use and the abuse of alcohol. As a condition of employment each employee is responsible to comply with all drug-free and alcohol abuse policies and to ensure that Delaware Valley University remains a drug-free, healthful, safe, and secure work environment.

Delaware Valley University absolutely prohibits the unlawful sale, possession, purchase, manufacture, consumption/use, distribution or dispensing of controlled substances, illicit or illegal drugs, and/or misusing prescribed drugs, on university premises or while conducting university business off premises. Violations of this policy will result in disciplinary action, up to and including discharge from employment, and may have other legal consequences.

The University maintains the right to search lockers, desks, and any other University owned property at any time. Personal property brought on to a University site may be searched if probable cause exists as determined by the Human Resources Director or the Supervisor of Public Safety during evenings and weekends. Notification of legal authorities may be necessary.

Nothing in this policy statement is intended to restrict reasonable consumption or handling of alcoholic beverages by employees at an authorized event.

404.2 Employee and University Compliance Requirements

This policy is in compliance with the Drug-Free Workplace Act and Federal Student Aid requirements for Drug and Alcohol Abuse Prevention Information 668.14(c); 34 CFR 86.

Employees must, as a condition of employment, abide by the terms of this policy and report to the University any conviction under a criminal drug statute for violations occurring on or off University premises while employed by the University. A report of a conviction must be made to the Director of Human Resources within five (5) days after the conviction.

This policy will be reviewed, for its effectiveness, on a biennial basis by the appointed committee. Any updates and/or changes to this policy will be distributed to all faculty, staff, and custodial employees. In addition, all newly hired employees are required to review and acknowledge understanding of this policy at the start of employment. On an annual basis, this policy will be redistributed to all active employees.

404.3 Drug and Alcohol Abuse Reasonable Suspicion and Post Incident

Reasonable Suspicion

Employees are expected and required to be fully able to perform their job duties free from alcohol and drugs. Employees whose actions suggest they are under the influence of drugs and/or alcohol will not be permitted to continue to work in any capacity whether working on or off the premises. Delaware Valley University, as a condition of continued employment, may require any staff or custodial employee whose actions reasonably suggest they are impaired and/or is under the influence of alcohol and/or drugs to submit to a urine and/or blood sample for testing, at the expense of the University, and sign a form consenting to the testing and release of the results to the University. Refusal to submit to the required testing will be considered a positive test result.

Post Serious Near-Miss, Work Related Injury, or Accident

When a serious near miss, accident or injury occurs that results in (a) death, (b) injury to self or others requiring third-party medical treatment other than basic first aid, (c) property damaged estimated to exceed \$500.00, the University may require that, as a condition of continued employment for staff and custodial employees, submit a urine and/or blood sample for testing and sign a form consenting to the testing and the release of results to the University. Refusal to submit to the required testing will be considered a positive test result.

Employees will not be permitted to return to work until the test results are received. If an employee is found in violation of university policy, federal or state laws, or local ordinances, the circumstances accompanying each individual case will be considered when determining the consequences.

404.4 Substance Abuse Treatment Assistance

The University recognizes that employees with alcohol and/or drug-related problems should be encouraged to seek help in dealing with such problems. Employees are encouraged to use counseling services available through, the EAP (Employee Assistance Program) or health insurance plans, as appropriate, when facing alcohol and/or drug-related problems. For additional EAP resources and services provided you can call 1-855-283-1915 or visit www.mylifevalues.com (Username and Password: RESOURCES).

Employees who seek assistance and enter a treatment facility may be eligible for paid time off during their inability to work through use of available paid time off and/or the University Short Term Disability program and in compliance with the Family Medical Leave Act. Depending upon individual circumstance, some of the costs for such treatment may be covered under the employee's medical benefit plan, if available. Employees who voluntarily seek treatment may be able to return to work after successfully completing the treatment program with medical authorization and within University guidelines. If an employee wishes to seek voluntary assistance with drugs and/or alcohol abuse issues may also do so by making confidential contact to the Human Resources Director at ext. 2346.

404.5 Use of Lawful Medications

Nothing in these policies prohibits or in any way limits the lawful use of prescription and nonprescription drugs. However, an employee must inform his or her immediate supervisor or the Director of Human Resources if he or she is using a prescription or nonprescription drug, which at current prescribed

dosage, could impair work performance or pose a risk of harm to the employee, to others, or to property. It is the employee's responsibility to determine from his or her physicians if the medication can impair work performance or pose such a risk. If the lawful use of lawful prescription or nonprescription drugs does limit or otherwise impair the employee's ability to perform the essential functions of his or her position or otherwise creates a safety risk, the Human Resources Director will meet with the employee to determine whether or not a reasonable accommodation is available. Employees who have questions regarding this policy are encouraged to contact the Director of Human Resources to determine if accommodation is available.

404.6 Health and Other Related Risks from Drugs and Alcohol Abuse

Drug use can have a wide range of short- and long-term, direct and indirect effects. These effects often depend on the specific drug or drugs used, how they are taken, how much is taken, the person's health, and other factors. Short-term effects can range from changes in appetite, wakefulness, heart rate, blood pressure, and/or mood to heart attack, stroke, psychosis, overdose, and even death. These health effects may occur after just one use.

Longer-term effects can include heart or lung disease, cancer, mental illness, HIV/AIDS, hepatitis, and others. Long-term drug use can also lead to addiction. Drug addiction is a brain disorder. Not everyone who uses drugs will become addicted, but for some, drug use can change how certain brain circuit's work. These brain changes interfere with how people experience normal pleasures in life such as food and familial/friend relationships, their ability to control their stress level, their decision-making, their ability to learn and remember, etc. These changes make it much more difficult for someone to stop taking the drug even when it's having negative effects on their life and they want to quit.

Drug use can also have indirect effects on both the people who are taking drugs and on those around them. This can include affecting a person's nutrition; sleep; decision-making and impulsivity; and risk for trauma, violence, injury, and communicable diseases. Drug use can also affect babies born to women who use drugs while pregnant. Broader negative outcomes may be seen in education level, employment, housing, relationships, and criminal justice involvement.

Alcohol. Alcohol consumption causes a number of changes in behavior and physiology. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle. According to the National Institute on Alcohol Abuse and Alcoholism binge drinking is defined as a pattern of alcohol consumption that brings the blood alcohol concentration (BAC) level to 0.08% or more. This pattern of drinking usually corresponds to 5 or more drinks on a single occasion for men or 4 or more drinks on a single occasion for women, generally within about 2 hours.

- **Narcotics.** Drugs included in this classification include opium, morphine, codeine, heroine, OxyContin, Percocet and other opium derivatives and synthetics. The first or second administration of narcotics results in a tremendous euphoric feeling that cannot be repeated due to the rapid development of tolerance to the drug.
- **Amphetamines.** Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

- **Cannabis (Marijuana, Hashish).** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Frequent users often have a lowered immune system and an increased risk of lung cancer.
- **Cocaine/Crack.** The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.
- **Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the area of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. •
- **Heroin/Opioids.** Heroin is an opiate drug that causes the body to have diminished pain reactions. Opioids are physically addictive and users develop a rapid tolerance to the drug; the user must continue ingesting the drug to avoid withdrawal symptoms. Heroin and other opiate drugs (morphine, codeine, heroine, OxyContin, Percocet) are respiratory depressants; use can be associated with coma and death.

Source: National Institute on Drug Abuse <https://www.drugabuse.gov/related-topics/health-consequences-drug-misuse>

404.7 Related Laws and Criminal Sanctions for Illegal Drug and Alcohol Use

In addition to university sanctions, any employee who violates applicable alcohol or drug policies will be subject to criminal prosecution and penalties under applicable local, state, and federal laws.

Alcohol

The Pennsylvania Liquor Control Board website explains alcohol and the law in the state of Pennsylvania, programs and resources available, as well as provides information for parents. Below are the applicable restrictions on alcohol in the state of Pennsylvania.

1. The Pennsylvania Liquor Code, 47 Pa., C.S.A., 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code as well as portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa., C.S.A. 6307 et seq., provides the following:
2. It is a summary offense for a person under the age of twenty-one to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. Penalty for a first offense is suspension of driving privileges for 90 days, a fine up to \$300 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year, a fine up to \$500, and imprisonment for up to one year; for subsequent offense, suspension of driving privileges for two years, a fine up to \$500 and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.
3. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of twenty-one). "Furnish" means to supply, give or provide to, or allow a minor to possess on

premises or property owned or controlled by the person charged. Penalty for a first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.

4. It is a crime for any person under twenty-one years of age to possess an identification card falsely identifying that person as being twenty-one years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. Penalties are stated in (2) above.

5. It is a crime intentionally, knowingly or recklessly to manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birth date, or age of another. Minimum fine is \$1,000 for first violation; \$2,500 for subsequent violations; imprisonment for up to one year for any violation.

6. It is a crime to misrepresent one's age knowingly and falsely to obtain liquor or malt or brewed beverages. Penalties are as stated in (1) above.

7. It is a crime knowingly, willfully and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

8. It is a crime to hire, request or induce any minor to purchase liquor or malt or beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

9. Sales without a license or purchases from an unlicensed source of liquor or malt or brewed beverages are prohibited.

10. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations. The University will cooperate with the appropriate law enforcement authorities for violations of any of the above-mentioned laws by an employee.

11. The use in any advertisement of alcoholic beverages of any subject matter

Drugs and Controlled Substances

1. The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780- 101 et seq., sets up five schedules of controlled substances based on dangerousness and medical uses. Penalties for first-time violators of the Act range from thirty days imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to fifteen years or \$250,000 or both for the manufacture or delivery of a Schedule I or II narcotic. A person over eighteen years of age who is convicted for violating The Controlled Substance, Drug, Device and Cosmetic Act, shall be sentenced to a minimum of at least one year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which a university is located, the person shall be sentenced to an additional minimum sentence of at least two years total confinement.

2. The Pharmacy Act of 1961, 63 Pa. C.S.A. 390-8 makes it unlawful to procure or attempt to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both.

3. The Vehicle Code, 75 PA, C.S.A. 3101 et seq., which was amended effective July 1, 1977, prohibits driving under the influence of alcohol or a controlled substance, or both, if the driver thereby is rendered incapable of safe driving. A police officer is empowered to arrest without a warrant any person whom he or she has probable cause to believe has committed a violation, even though the officer may not have been present when the violation was committed. A person so arrested is deemed to have consented to a test of breath or blood for the purpose of determining alcoholic content, and if a violation is found it carries the penalties of a misdemeanor of the second degree, which includes imprisonment for a maximum of thirty days.

4. The Federal drug laws, The Controlled Substances Act, 21 U.S.C. 801 et seq., are similar to the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, but contain, for the most part, more severe penalties. Schedules of controlled substance are established, and it is made unlawful knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to distribute or dispense a controlled substance. If the quantity of controlled substance is large (e.g. 1,000 kg of a mixture or substance containing marijuana), the maximum penalties are life imprisonment, a \$4,000,000 fine, or both. Lesser quantities of controlled substance (e.g. 100 kg of a mixture or substance containing marijuana) result in maximum penalties of life imprisonment, a \$2,000,000 fine, or both. The distribution of small amounts of marijuana for no remuneration or simple possession of a controlled substance carries a maximum of one year's imprisonment, a \$5,000 fine, or both, with the penalties for the second offense doubling. Probation without conviction is possible for first offenders. Distribution to persons under the age of twenty-one by persons eighteen or older carries double or triple penalties. Double penalties also apply to the distribution or manufacture of a controlled substance in or on or within 1,000 feet of the property of a school or college.