

## Employee Alcohol and Other Drugs

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### Policy Summary

Fort Lewis College (FLC) strives to provide a safe and secure environment for its faculty, staff, volunteers, and students, and one that promotes the acquisition of knowledge and nurtures the growth of the individual. Alcohol and drug abuse can lead to serious health problems for individuals and the community, and often play a role in other serious risks such as accidents, violence, dating and domestic violence, and sexual assaults. The following alcohol and drug policy, with its emphasis on individual and shared responsibility, is adopted in this spirit, while at the same time fostering compliance with local, state and federal laws relating to the use of alcoholic beverages and other drugs (including, but not limited to, the Drug Free Workplace Act of 1988).

This policy applies to all members of the College community who are subject to the jurisdiction and authority of the College with respect to matters of behavior and conduct. This includes, without limitation, faculty, administrative professionals, state classified staff, and all other employees including student employees or temporary employees and volunteers. Students should refer to the Student Alcohol and other Drug Policy when not acting as an employee for Fort Lewis College.

### Definitions

*Alcohol or alcoholic beverage:* Any fermented beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol (ethanol) as an intoxicating agent, and any product or substance containing alcohol.

*Illicit drug:* As used in this policy, the term “illicit drug” includes all of the following:

- A “controlled substance” as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, 21 CFR 1308.11-1308.15, or in C.R.S. §18-18-102(5), when possessed or used in violation of that Act. These include substances that have a high potential for misuse or which, if abused, may lead to severe psychological or physical dependence. Among these are heroin and other opium derivatives, methamphetamines, marijuana, cocaine, and other mind-altering drugs.
- Any prescription drug, whether or not it is a controlled substance, when used or possessed without a valid prescription, or by a person other than the individual for whom it was prescribed;
- Any non-prescription (over-the-counter) drug, when used or possessed in order to induce an altered state, rather than for the purpose for which it is normally intended;
- Any other product or substance (such as glue, paint, household chemical, plant, bath salts, etc.) that is used in order to induce psychotropic or intoxicating effects; and

- Alcohol, when consumed in a manner other than that for which it is normally produced and sold (for example, when a legally-produced alcoholic beverage is vaporized or administered other than by drinking).

### **Policy Statement**

Fort Lewis College is committed to providing an academic and social environment that supports individual freedom while promoting individual responsibility, health and safety, and community welfare. To that end:

1. The College expects that those who wish to include alcohol as part of their activities will do so responsibly and lawfully. Responsible drinking includes making sound judgments about whether, when, and how much to drink, understanding the health issues related to the consumption of alcohol, and avoiding excessive or “binge” drinking or any other abuse of alcohol.
2. Persons planning events on campus should be mindful of the complexities introduced into planning an event with alcohol. Event management issues such as the provision of refreshments, management of the participants or audience, security, insurance concerns, the liability of participants, protection of minors, and other factors require serious attention for any event, and all the more for an event where alcohol is served. Event organizers must fully understand the College alcohol policy and applicable laws and must manage their events accordingly. They also are expected to keep the safety and well-being of participants at the forefront of their planning and management of events.
3. Organizations may not plan events that promote or encourage the over-consumption of alcohol or the use of illicit drugs. Those planning events should remember that the vast majority of events at FLC take place without alcohol or drugs; and that among those who are, many do not drink alcoholic beverages at all. Campus organizations that choose to plan events with alcoholic beverages are expected to maintain a reasonable balance in their programming between events with and those without the serving of alcoholic beverages and to include and welcome non-drinking participants at every event, without exception.
4. Psilocybin mushrooms, marijuana and its derivatives are considered controlled substances and, despite state law, they remain illegal under federal law and their use and possession on campus and at FLC events can put the College at risk of non-compliance with strict laws and regulations that carry severe penalties. Marijuana impairment also jeopardizes safety, health and performance in academics and employment. See the University Guidelines on Marijuana Use and Hemp Research referenced at the end of this policy.

### **Drug Free Workplace Statement**

The Drug-Free Workplace Act of 1988 requires FLC, as a federal contractor and grant recipient, to certify that it will provide a drug-free workplace. As a condition of employment on such contracts and grants, employees will abide by the terms of this policy. The unlawful manufacture, distribution, dispensation, possession, use, or sale in the workplace of a controlled substance, as defined by state or federal law, is prohibited. The College will not

condone criminal activity on its property, or on property under its direct control, and will take appropriate personnel action up to and including termination.

Colorado law, including C.R.S. § 44-3-901, et seq., applies to the possession and use of alcohol on FLC campuses and will be enforced.

### **Employment Conditions Relating to Drugs and Alcohol**

The College has the right to expect that all employees will perform their jobs effectively. The College has a responsibility to the citizens of Colorado, its employees and its students to require that job performance and job conduct standards be met. The College may properly intervene when the use of alcohol or drugs affects job performance and conduct. Persons covered by this policy may not report to work or be at work while impaired by alcohol or drugs, even those lawfully prescribed, as determined under a reasonable suspicion standard.

A supervisor or department head may determine by reasonable suspicion that an employee, volunteer or other person covered by this policy is impaired by observing the person's behavior, appearance, and/or odor.

Anyone may report suspected impairment of an employee, volunteer or other person covered by this policy to the appropriate supervisor or department head. If the person suspected of impairment is the reporting person's supervisor or senior authority, the person reporting should advise the next-level supervisor.

An employee who is suspected of being impaired while at work will have the right to be tested for drugs and alcohol at a testing facility designated by the College. Those with a documented incident of impairment (including a decision not to be tested, which will give rise to a presumption of impairment) will be subject to appropriate disciplinary measures in accordance with the applicable College policies and procedures.

If impairment is suspected, the employee will be placed on Leave without Pay for the balance of the work shift, required to leave the workplace, and may not return to work until the next day that the employee is scheduled to work. If the employee opts to be tested for drugs and alcohol, the employee will be placed on Administrative Leave with pay for the balance of the work shift.

It is a condition of employment that each College employee, volunteer, or other person covered by this policy will abide by its terms. In addition, each employee must notify the Director of Human Resources, in writing, no later than five days after conviction for a violation of any criminal alcohol or drug statute. A "conviction" is a finding of guilt (including a plea of no contest or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the criminal drug statutes. As used herein, "criminal statute" includes any state, federal or local law concerning the manufacture, distribution, dispensation, possession, or use of any controlled substance or illicit drug, or alcohol.

Job security or promotional opportunities will not be jeopardized on the basis that an employee with a substance abuse problem seeks and engages in treatment. However, poor performance or behavior is not excused by seeking such treatment. Information revealed by the employee while receiving professional services will remain confidential and separate from employee records. All record-keeping and access procedures will comply with federal law governing the confidentiality of health and medical information.

**Compliance with this policy**

The College may impose sanctions for violation of this policy, which may include disciplinary action in accordance with applicable laws and the policies and procedures of the College.

It is also a violation of this policy to: (1) Retaliate against any person for reporting suspected impairment or taking any other action under this policy, even if such action ultimately proves to be unwarranted; or (2) Knowingly make a false report of impairment against another. Such violations will be taken seriously and may result in disciplinary action.