

Appendix III

DRUG FREE WORKPLACE POLICY

University Regulations - Preface

In March 1988, Congress enacted the Drug-Free Workplace Act which requires all federal contractors and grantees to maintain a drug-free workplace. In September 1989, President Bush's National Drug Control Strategy proposed that the Congress pass legislation to require schools, colleges and universities to implement and enforce firm drug prevention programs and policies as a condition of eligibility to receive federal financial assistance. The Drug-Free Schools and Communities Act of 1989 demonstrates the intent of Congress to draft institutions of higher education into the federal government's war on drugs.

The law requires that schools certify that they have adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The law requires that the school distribute annually to each student and employee the following information:

- ❑ standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on the school's property or as any part of the school's property or as any part of the school's activities,
- ❑ a description of the applicable legal sanctions under local, state and federal law for unlawful possession, use or distribution of illicit drugs and alcohol,
- ❑ a description of the health risks associated with the use of illicit drugs and the abuse of alcohol,
- ❑ a clear statement that the school will impose sanctions on students and employees, consistent with local, state and federal law, and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct, and
- ❑ a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.

The school must conduct a biennial review of its program to (i) determine its effectiveness and implement changes if they are needed, and (ii) ensure that the sanctions developed are enforced consistently.

The purpose of this policy is not only to comply with the Drug-Free Schools and Communities Act of 1989, and the Drug Free Workplace Act of 1988, but to continue the work of providing both students and employees an opportunity to understand the harmful effects of drug and alcohol use so that responsible choices can be made.

The policy of Briar Cliff University is to provide a drug-free workplace and learning environment for all of its employees and students. The presence of illegal drugs in our school and workplace is a danger to each one of us because they impair the safety and health of those who are here to work and learn. In addition, drugs undermine the confidence in the work done by each employee and student.

Definitions

In order to provide a uniform understanding of the policy, the following definitions apply:

- *Alcohol* is defined as ethyl alcohol, and includes any beverage, mixture, medication or preparation containing ethyl alcohol.
- A *drug* is defined as any substance, other than alcohol, that has a known mind- or function-altering effect upon the human body or that impairs one's ability to safely perform his or her work, and specifically includes, but is not limited to, all prescription drugs and all illegal drugs.
- A *prescription drug* is defined as any substance prescribed by a licensed medical practitioner, when that drug is taken by the individual for whom it was prescribed.
- An *illegal drug* is defined as any substance listed on the Schedules I through V of the Controlled Substance Act as further defined by federal statutes and regulations (a listing of controlled substances will be maintained in the human resources office, health office, and the library), any substance otherwise illegal under federal, state, local or Indian law, any synthetic, counterfeit or designer drug, any *look alike* drug and any item of drug paraphernalia.
- *Under the influence* is defined as that condition where any of the body's sensory, cognitive or motor functions or capabilities are altered, impaired, diminished or affected due to alcohol and/or drugs.
- An *employee* is defined as any person in the service of the university, who is paid through the university's payroll system (including work-study students).
- A *student* is defined as any person taking any class at Briar Cliff University on campus or at a correspondent facility.
- *University premises* is defined as all property owned by the university, all university vehicles, all private vehicles on university property or being used on university business, and all university parking lots and recreational areas.
- *Conviction* is defined as a finding of guilt including a plea of *nolo contendere* (no contest).

- *Legal age* is defined as 21 years.
- *Minor* is defined as any person under age 21 years.

ALCOHOL

Policy

Briar Cliff University has the responsibility to maintain an educational environment conducive to academic achievement and at the same time help young adults develop into mature and responsible citizens. The university promotes a respect for individual rights and privileges. Individuals must recognize that when exercising rights, they assume the responsibility to become well informed about alcohol use and abuse.

Briar Cliff University respects the right of those who choose to abstain from alcohol use and encourages responsible drinking habits by individuals who choose to drink. Because of our concern for the rights and personal growth of each individual, the institution will intervene when inappropriate behavior is demonstrated.

The legal drinking age in the state of Iowa is 21 years. Briar Cliff University upholds the federal, state, and local statutes and has established specific regulations to govern the use, sale and possession of alcoholic beverages on the property of the university. Except for specified areas on the university campus, the consumption, sale, or use of alcoholic beverages is prohibited. Violation of state law, city ordinance, or university regulations will be considered grounds for disciplinary action and referral to appropriate law enforcement agencies.

Regulations

1. Use and Possession

The use or possession of alcohol is forbidden on campus except by individuals of legal age in residence hall rooms and/or The Pub.

Except as noted above, the Vice President for Student Development/Enrollment Management must approve the sale and/or consumption of all alcohol at any university-sponsored activity. The vice president has the right to decide the locations in which alcohol may be served. Under no circumstances will alcohol be served or consumed in hallways, employee offices or student organization offices.

2. Guidelines for Social Events

The following guidelines apply to all social events, both on and off campus, sponsored by Briar Cliff University.

- a. All functions that include serving of alcoholic beverages must be registered with the enrollment management/student development office. Each sponsor must fill out a registration sheet to be filed with the Vice President for Student Development/Enrollment Management. Each sponsor is responsible for

upholding the laws of the state of Iowa, and the Briar Cliff alcohol policy. Briar Cliff University will maintain an up-to-date liquor license for on-campus events.

- b. Individuals sponsoring events must implement precautionary measures to ensure that alcoholic beverages are not accessible to or served to persons under the legal drinking age or to persons who appear intoxicated.
- c. At social functions where alcoholic beverages are provided by the sponsoring organization, sellers of alcohol must be at least 21 years old and servers of alcohol must be at least 19 years old.
- d. Consumption of alcoholic beverages is permitted only within the approved area designated for the event.
- e. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
- f. A reasonable portion of the budget for the event shall be designated for the purchase of food items.
- g. Institutionally approved security personnel shall be present at all times during a university-sponsored event (on and off campus) in which more than 100 attendees are expected. If more than 200 persons are expected to attend, at least two security personnel must be present.
- h. No employee event shall include the serving/selling of alcoholic beverages during regular work hours.

3. Athletic Events

No alcohol will be permitted in association with any intercollegiate or intramural athletic event.

4. Advertising Guidelines

Alcohol may not be mentioned on any sign or poster advertising social events on or off campus. Alcohol shall not be mentioned on any advertisement accepted by any campus publication. No advertising that encourages irresponsible drinking of alcohol will be accepted by any campus publication.

5. Violations

The following are considered violations of the Briar Cliff University alcohol policy:

- a. possession or consumption or being in the presence of an alcoholic beverage by a minor,
- b. providing alcoholic beverages to a minor,
- c. possession or drinking an alcoholic beverage (open container) in a public area,
- d. possession of alcoholic beverage containers (full or empty) larger than one gallon or possession of a tap without authorization,
- e. disrupting the rights of others by being abusive, disorderly, or disrespectful because of alcohol,
- f. lounge parties involving alcohol consumption,
- g. alcohol consumption in hallways, student organization offices, or employee offices, and

- h. failure to register a social event in which alcoholic beverages are served
6. Enforcement
- Every member of the university community should take individual responsibility for upholding the alcohol policy. The hall directors have direct responsibility for upholding the alcohol policy within the resident halls. The campus security staff has direct responsibility for upholding the alcohol policy in all campus areas.
7. Sanctions
- The Vice President for Student Development/Enrollment Management or his/her designee will determine sanctions for non-residence hall students' alcohol violations. The appropriate residence life staff will determine sanctions for violations within the residence halls, including the public areas of the residence halls, when those areas are leased to outside groups. Sanctions for employees will be determined by their vice president. Any individual or group violating the alcohol policy or regulations will be subject to one or a combination of the following sanctions:
- a. confiscation and disposal of alcohol,
 - b. monetary fine,
 - c. loss of housing privileges,
 - d. chemical dependency evaluation
 - e. required follow-up sessions at a counseling center or alcohol referral resource,
 - f. suspension,
 - g. community service and/or
 - h. any other action deemed appropriate including expulsion and termination
8. Residence Halls
- A. Regulations

At all times students are to recognize that they are responsible for their behavior and must accept the consequences of their decisions and actions. If attention is drawn to a student's room for any of the following reasons and alcohol is present, the residents of the room and the individual present will be subject to disciplinary actions:

- 1) noise
- 2) overcrowding,
- 3) excessive or irresponsible drinking,
- 4) inappropriate behavior or major disturbances,
- 5) reasons relating to the safety, health and general welfare of the student,
- 6) vandalism, and/or
- 7) any violation of a residence hall policy.

All students are responsible for the conduct of their guests and their compliance with the alcohol policy. If a guest is not a Briar Cliff student, the host will be responsible for all fines and/or disciplinary action relevant to that individual. Students should implement precautionary measures to ensure that alcoholic

beverages are not accessible or served to persons under legal drinking age or to persons who appear intoxicated.

B. Sanctions for Alcohol Policy Violations

1) Persons of Legal Age

Possession of open alcohol in a public area or presence in a room with alcohol and minors:

First offense: a minimum of six hours of campus work assignment to be completed within thirty days of assignment or \$30 fine, mandatory participation in an educational component, confiscation, written documentation, and other appropriate sanctions which may include a *chemical dependency assessment and follow-up. Incomplete community service will result in doubling of the stated fine.

Second offense: a minimum \$60 fine and/or campus work assignment, confiscation, written documentation and other appropriate sanctions which may include an educational program and/or a mandatory *chemical dependency assessment and follow-up.

Third and subsequent offenses: a minimum \$150 fine, confiscation, written documentation and any one or combination of the following: *chemical dependency assessment and follow-up, loss of on-campus housing privileges, suspension, or other appropriate sanctions.

* All assessments and educational components are at the expense of the person in violation of the policy. Failure to complete them will result in fines or other disciplinary action.

2) Persons under Legal Age

Possession of alcohol or presence in a room with alcohol and minors:

First offense: a minimum of ten hours of campus work assignment to be completed within 30 days of assignment or \$50 fine, mandatory participation in an educational component, confiscation, written documentation and other appropriate sanctions which may include a *chemical dependency assessment and follow-up. Incomplete community service will result in doubling of the stated fine.

Second offense: a minimum \$75 fine and/or campus work assignment, confiscation, written documentation and other appropriate sanctions which may include an educational program, and/or a mandatory *chemical dependency assessment and follow-up.

Third and subsequent offenses: a minimum \$150 fine, confiscation, written documentation and any one or combination of the following: *chemical dependency assessment and follow-up, loss of on-campus housing privileges, suspension, or other appropriate sanctions.

*All chemical dependency assessments are at the expense of the person in violation of the policy.

- 3) Residence Hall Room Party
The resident(s) of the room and others responsible for hosting a room party where minors are present will incur the following in addition to campus work and educational component:
First offense: \$100 fine
Second offense: \$175 fine
Third offense: \$350 fine and loss of on-campus housing privileges

- 4) Containers Larger than One Gallon
Possession of containers (full or empty) holding alcoholic beverages totaling one gallon (128 ounces) or more, or possession of a tap will result in confiscation, \$100 fine, and other appropriate sanctions for each responsible party.

- 5) Lounge Party
Presence at a lounge party where alcohol is present will result in the following:
First offense: \$100 fine, confiscation, written documentation, and other appropriate sanctions.
Second offense: \$200 fine, confiscation, written documentation, and other appropriate sanctions.
Third offense: loss of on-campus housing privileges.

Residents will be sanctioned according to the number of violations from the previous twenty-four months.

ILLICIT DRUGS

Policy

It is the policy of Briar Cliff University that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited on its property or as part of any of its activities. Any full or part-time employee or student (regardless of length of the student's program of study) found to be illegally manufacturing, distributing, dispensing, possessing, or using controlled substances on university premises or while conducting university business off university premises shall be subject to disciplinary action in accordance with applicable policies of the state of Iowa, the Board of Trustees, and Briar Cliff University, up to and including termination or expulsion. Employees and students are reminded that illegal manufacture, distribution, dispensing, possession or use of controlled substances may also subject individuals to criminal prosecution.

Regulations for Employees

A. Prohibited Actions

The following actions or behaviors are strictly prohibited by Briar Cliff University. Disciplinary action is determined by the employee's vice president. Terminations may be recommended to the President.

1. The unauthorized or unlawful use, possession, sale, manufacture, theft, dispensation or distribution of drugs and/or alcohol while on the job, on university property, or in any university work site or at school activities is strictly prohibited. All employees are prohibited from being under the influence of drugs and/or alcohol at any time while on duty, on university property or in any university work site.
2. Conviction of a criminal drug offense which includes violation of federal or state drug statutes or other drug-related offenses occurring on Briar Cliff University premises or while engaged in Briar Cliff business
3. Unauthorized consumption of or possession of alcoholic beverages or abuse of alcoholic beverages, misuse of prescribed controlled substances on Briar Cliff work sites or premises or during university business

B. Employee sanctions

Any individual violating the alcohol/illicit drug policy or regulations will be subject to one or a combination of the following sanctions:

1. Written warning
2. Final written warning
3. Suspension with or without pay
4. Evaluation by local or regional treatment facility and/or successful completion of recommended treatment
5. Immediate termination

Regulations for Student

As a condition of enrollment for students, any criminal drug statute conviction (*conviction* means a finding of guilt, including a plea of *nolo contendere*) occurring on university premises, or while conducting university business off university premises, must be reported to the Vice President for Student Development/Enrollment Management within five days of conviction. If not reported, disciplinary action will be taken, up to and including expulsion.

Specific regulations regarding controlled substances are as follows:

1. Students may not possess any illegal drug in university buildings or on the general university property. The maximum penalty for violating this rule is expulsion from Briar Cliff University, with the right of appeal, and/or civil prosecution.
2. Irresponsible conduct under the influence of drugs while on campus is subject to disciplinary action by the Vice President for Student Development/Enrollment Management or his/her designee
3. Irresponsible conduct, while under the influence of drugs off campus, which brings discredit or ill favor to the good name of the university is subject to

disciplinary action by the Vice President for Student Development/Enrollment Management.

4. In accordance with state and federal laws, possession of controlled drugs is prohibited at off-campus functions sponsored by any organization representing the university. Students at off-campus functions found to be in possession of or using illegal drugs will be subject to disciplinary action by the Vice President for Student Development/Enrollment Management or his/her designee.
5. In the specific case of marijuana, the detection of the odor of marijuana is sufficient evidence to constitute complicity in the use for those present. In addition, the smoking of any kind of herbal blend or mix is strictly forbidden on campus and will be subject to the same penalty as applies to controlled substances.

Disciplinary Action/Treatment

Conduct which brings discredit or ill favor to the good name of the university and involves the use of drugs or alcohol on campus, while conducting university business off campus, or while attending an off-campus function sponsored by any organization representing the university, is subject to disciplinary action. If any of the above occurs Briar Cliff University may require an assessment/evaluation at a local or regional drug treatment facility (at the employee's or student's expense) and, if warranted, successful completion of a drug/alcohol treatment program at the employee's or student's expense.

Inspections

Any employee or student whose actions give Briar Cliff reasonable cause to suspect that he/she has violated this policy will be required to submit to an inspection by the security department of any vehicle brought on Briar Cliff premises and/or inspection of any pocket, package, purse, briefcase, tool box, lunch box or any other container brought onto or being removed from Briar Cliff premises and to submit to inspection of desk, file cabinet, locker or other furniture on the Briar Cliff premises. The inspection must be related to the suspected violation and will be completed with a witness and the employee/student present if possible.

Referral to Enforcement Agencies and Professional Licensing Boards

Any employee or student who violates this policy shall be subject, depending on the circumstances, to notification of appropriate law-enforcement agencies and professional licensing boards. This action may be taken at the university's sole discretion.

Drug Statute Convictions

Employees convicted of any federal, state, or local criminal drug statute violation occurring at the workplace must notify their supervisors or vice presidents of that conviction within five days of conviction. Failure to do so may result in discipline up to

and including immediate discharge from employment. Supervisors and vice presidents are to promptly relay this information to their superiors and/or to the Director of Human Resources for investigation.

As a condition of enrollment for students, any criminal drug statute conviction occurring on university premises, or while conducting university business off university premises, must be reported to the vice president for enrollment management and student development within five days of conviction. If not reported, disciplinary action will be taken up to and including expulsion.

Federal, state and local sanctions regarding drug and alcohol violations are attached to this Policy.