

UNIVERSITY OF KENTUCKY ADMINISTRATIVE REGULATIONS	IDENTIFICATION AR II-1.1-10	PAGE 1
	DATE EFFECTIVE 5/1/89	SUPERSEDES REGULATION DATED

UNIVERSITY OF KENTUCKY
DRUG ABUSE POLICY AND PROCEDURES

I. Policy

The University of Kentucky is committed to providing a healthy and safe workplace for its most valuable resource - its employees. Conduct which is a violation of this policy poses unacceptable risk and disregard for the health, safety, and welfare of co-workers, students, and the total University community.

A. The unlawful possession, use, dispensation, distribution or manufacture of controlled substances by employees, while on University of Kentucky property and/or on University of Kentucky business, is prohibited.

B. Any employee who engages in the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances, while on University of Kentucky property and/or on University of Kentucky business or who is convicted of a criminal drug statute violation which occurred in the workplace or while on University property is subject to disciplinary action, up to and including suspension and/or discharge.

C. The legal use of prescribed medicines under the direction of a licensed physician is permitted. Employees in selected positions, designated by the University of Kentucky, are required to make such use known to an appropriate University of Kentucky representative. (See departmental standard operating procedures.) An employee using prescribed medicines should consult with a physician concerning the safe use of the drug during working hours.

II. Delegation

Authority for enforcement of this policy is vested with the appropriate chancellor or vice president in coordination with the sector personnel office.

III. Procedures

A. The University of Kentucky provides for its employees educational programs and general information which include the following:

- (a) The dangers of drug use and abuse in the workplace;

- (b) University of Kentucky Drug Free Workplace Policy;
- (c) The availability of drug counseling, rehabilitation and employee assistance programs; and
- (d) The penalties for violation of the University of Kentucky Drug Abuse Policy.

B. In the University System, whenever a supervisor witnesses the unlawful possession, use, dispensation, distribution or manufacture of controlled substances by an employee, that supervisor shall (1) immediately notify the appropriate police authority, (2) suspend the employee pending further investigation, and (3) inform the sector chief personnel officer or the appropriate dean. In the Community College System, the supervisor shall inform the community college president who shall (1) immediately notify the appropriate police authority, (2) suspend the employee pending further investigation, and (3) inform the community college chief official for staff personnel or for faculty.

1. The appropriate sector chief personnel officer for the Lexington Campus and the Medical Center or the respective community college president in conjunction with the employee's supervisor and the community college chief personnel officer, and the University Police (for Lexington Campus, Medical Center/Hospital and Community College employees working in Lexington) shall conduct an investigation and, based on the factual information obtained from all parties involved, determine whether there has been a violation of this policy.

NOTES: (1) If the employee is engaged in the performance of a grant or contract, the sector chief personnel officer or dean or president will notify the Vice President for Research and Graduate Studies that an investigation has been instituted.

(2)) All discussions, investigations and basis for disciplinary or rehabilitative actions shall be strictly confidential.

2. For staff employees, if the evidence confirms that the employee has violated this policy, the sector chief personnel officer or president of a community college with the community college chief personnel officer, in accordance with Staff Personnel Policy and Procedures Number 12 and Number 62, shall determine the appropriate sanction to include the following:

- a. Disciplinary action up to and including suspension and/or discharge; and/or

b. Referral to an employee assistance program and/or drug rehabilitative program.

For faculty members and for teaching assistants and research assistants in their teaching and research assignments in the University System, if the evidence confirms that the faculty member, teaching assistant, or research assistant has violated this policy, the dean shall make a written report containing the dean's recommendation and findings and forward it to the appropriate chancellor through the University Senate Advisory Committee on Faculty Code. In addition to referral to an employee assistance program and/or drug rehabilitative program, sanctions include those listed in Section 4.0 of the Code of Faculty Responsibility. For faculty members of the Community College System, the president shall make a written report containing the president's recommendation and findings and forward it to the Chancellor who shall impose a sanction.

3. For postdoctoral scholars, residents, and clinical fellows, if the evidence confirms that a postdoctoral scholar, a resident, or a clinical fellow has violated this policy, the dean of the appropriate college in the Medical Center or the Dean of the Graduate School for all such persons outside the Medical Center shall make a written report containing the dean's recommendation and findings and forward it to the Chancellor for the Medical Center or the Vice President for Research and Graduate Studies, as appropriate, who shall impose a sanction.

4. For student employees, if evidence confirms that the student has violated this policy, the sector chief personnel officer or the president of the community college with the community college chief personnel officer, consistent with Staff Personnel Policy and Procedures Number 12.0 and Number 62.0, shall determine the appropriate sanction in accordance with the student employee's status as an at-will employee.

NOTE: Nothing in this policy shall be construed to prohibit or interfere with whatever appropriate disciplinary action which may be taken in accordance with the student employee's student status, as provided by the Code of Student Conduct.

C. Whenever a supervisor notices an employee with overt signs of mental or physical impairment thought secondary to substance abuse, or when job related behavior or work performance suggests substance abuse, the supervisor shall refer the employee to the Lexington Campus Employee Assistance Program (REFER). In the University Hospital/Medical Center, employees shall be referred to the designated employee assistance program coordinator. Community College System employees shall be referred to an appropriate local rehabilitation health service by the president.

1. The decision to acknowledge substance abuse and accept therapeutic intervention rests with the employee and participation in an employee assistance program or

rehabilitation program is voluntary. However, refusal to participate in appropriate intervention program(s) shall result in disciplinary action, up to and including suspension and/or dismissal.

2. The Employee Assistance Program coordinator or, where no employee assistance program exists, the sector chief personnel officer or the respective dean or the community college president with the community college chief personnel officer shall monitor the progress of the employee and inform the supervisor of the employee's progress and anticipated safe return to the job.

3. If an employee with suspected substance abuse and/or poor work performance, thought secondary to that substance abuse refuses employee assistance program referral and/or appropriate rehabilitation services, the appropriate dean or president of a community college, the sector chief personnel officer and the employee's supervisor shall institute the appropriate work performance evaluation and action.

D. The sector chief personnel officer shall notify the Lexington Campus Police Department whenever unauthorized controlled substances are found on University of Kentucky property.

E. In compliance with the Federal Drug-Free Workplace Act of 1988 (Section 5151), an employee shall abide by this Drug Abuse Policy, and notify the immediate supervisor if the employee is convicted of a criminal drug offense occurring in the workplace or while on University business within five (5) days after the conviction. The immediate supervisor shall immediately notify the respective sector chief personnel officer or community college president when a staff employee is involved and the appropriate dean or community college president when a faculty member is involved. If the employee is under Federal contract or grant, the sector chief personnel officer, dean, or community college president shall notify the Vice President for Research and Graduate Studies who in turn shall notify the appropriate Federal contract/granting agency within ten (10) days after notification to the supervisor of the conviction.

1. Within thirty (30) days after an employee's conviction for a drug offense on University of Kentucky property and/or on University of Kentucky business, the University of Kentucky shall take appropriate sanctions and remedies in accordance with this policy, Staff Personnel Policy and Procedures Number 12.0 and Number 62.0 or the Faculty Code of Responsibility or other appropriate administrative policies and procedures, up to and including termination, suspension, and/or satisfactory participation in an approved substance abuse assistance/rehabilitation program.

IV. Drug Free Workplace Notification Form

This form is provided in the Appendix which follows on the next page.