

UNIVERSITY OF CALIFORNIA

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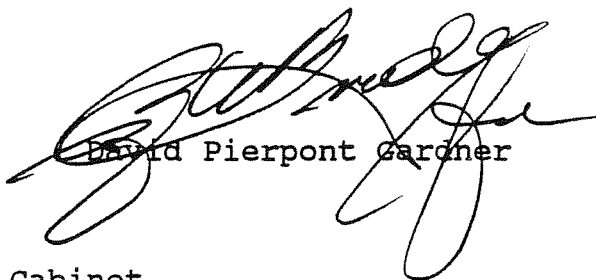
November 1, 1990

**CHANCELLORS  
LABORATORY DIRECTORS  
SENIOR VICE PRESIDENT--ADMINISTRATION**

**University of California Policy on Substance Abuse**

The enclosed University of California Policy on Substance Abuse, which is a revision of the March 18, 1989 University Policy on Substance Abuse in the Workplace, is effective immediately. This Policy revision was necessitated by changes in the final regulations for the Drug-Free Workplace Act of 1988, the issuance of Department of Education regulations related to the Drug-Free Schools and Communities Act of 1989, and issuance of the State Drug-Free Workplace Act 1990. The revised Policy includes the addition of students, clarification of those employees who must report convictions of any criminal drug statute violation occurring in the workplace or while on University business, and the extension of special requirements to those engaged on State contracts and grants.

Please ensure appropriate notification of employees under your jurisdiction. Implementing Guidelines for the Policy will be issued soon by the Assistant Vice President--Employee Relations.



David Pierpont Gardner

Enclosure

cc: Members, President's Cabinet  
Associate Vice President Moore  
Assistant Vice President Galligani  
Assistant Vice President Levin  
Academic Council Chair Bovell  
Staff Council Chair Drake  
Director Rogin  
Principal Officers of The Regents

### **University of California Policy on Substance Abuse**

The University of California recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance dependency problems. Employees (including student employees) and students are encouraged to seek assistance, as appropriate, from Employee Support Programs, health centers, and counseling or psychological services available at University locations or through referral. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with Federal and State laws.

The University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances, as defined in schedules I through V of the Controlled Substances Act, 21 United States Code §812, and by regulation at 21 Code of Federal Regulations §1308. Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or of controlled substances by University employees and students in the workplace, on University premises, at official University functions, or on University business is prohibited. In addition, employees and students shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

Employees found to be in violation of this Policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable University policies and labor contracts, or may be required, at the discretion of the University, to participate satisfactorily in an Employee Support Program.

Students found to be in violation of this Policy may be subject to corrective action, up to and including dismissal, as set forth in the University of California Policies Applying to Campus Activities, Organizations, and Students (Part A) and in campus regulations, or may be required, at the discretion of the University, to participate satisfactorily in a treatment program.

#### **Special requirements for employees engaged on Federal or State contracts and grants**

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State Drug-Free Workplace Act of 1990 require that University employees directly engaged in the performance of work on a Federal or State contract or grant shall abide by this Policy as a condition of employment.

Employees working on Federal contracts and grants shall notify the University within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. This requirement also applies to all indirect charge employees who perform support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the contract or grant. The University is required to notify the Federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within thirty calendar days of having received notice of such conviction.



DAVID PIERPONT GARDNER  
President  
  
RONALD W. BRADY  
Senior Vice President—  
Administration


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December 10, 1990

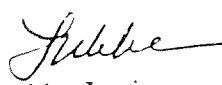
VICE CHANCELLORS--ACADEMIC AFFAIRS  
VICE CHANCELLORS--ADMINISTRATION  
VICE CHANCELLORS--STUDENT AFFAIRS  
ASSOCIATE LABORATORY DIRECTORS

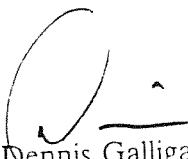
Implementing Guidelines for the University of California Policy on Substance Abuse

In his November 1, 1990, letter to Chancellors, Laboratory Directors, and the Senior Vice President--Administration, President Gardner transmitted the University of California Policy on Substance Abuse and indicated that implementing guidelines would be issued by the Office of Employee Relations. Enclosed are the Implementing Guidelines for the University of California Policy on Substance Abuse, which have been revised to reflect changes necessitated by the final regulations for the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, and the State Drug-Free Workplace Act of 1990.

We appreciate your comments during the review process, and attach for your information a memorandum identifying the significant changes that have been made in response to suggestions from the campuses, Laboratories, and other offices and individuals.

  
Calvin C. Moore  
Associate Vice President--  
Academic Affairs

  
Lubbe Levin  
Assistant Vice President--  
Employee Relations

  
Dennis Galligani  
Assistant Vice President--  
Student Academic Services

Enclosures

- cc: Chancellors
- Laboratory Directors
- Members, President's Cabinet
- Principal Officers of The Regents
- Academic Council Chair Bovell
- Staff Council Chair Drake
- University Controller Pastrone
- Associate Vice President West
- Assistant Vice President Stover
- Assistant Vice President Swartz
- Director Phillips
- Director Rogin • R12-13
- University Counsel Canning
- Personnel Managers

IMPLEMENTING GUIDELINES FOR THE  
UNIVERSITY OF CALIFORNIA POLICY ON SUBSTANCE ABUSE  
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A. AUTHORITY

Chancellors and Laboratory Directors are responsible for implementing the provisions of the University of California Policy on Substance Abuse, including provisions of the Drug-Free Schools and Communities Act (Public Law 101-226), and special requirements for employees engaged on Federal and State contracts and grants, as set forth in the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State of California Drug-Free Workplace Act of 1990. This Policy applies to all University of California employees and students.

B. DEFINITIONS

1. Confidential Information

Confidential information as used in this Policy is defined as medical and counseling/psychological records pertaining to the diagnosis or treatment of alcohol or drug abuse or records indicating referral to an alcohol or drug abuse program subject to protection under the Confidentiality of Alcohol and Drug Abuse Patient Records (42 C.F.R., pt. 2), the California Health and Safety Code section 11978, the Information Practices Act, and the University of California Policies Applying to the Disclosure of Information from Student Records, and may not be disclosed further without specific authorization by the employee or student, or where authorized or required pursuant to Federal or State laws and regulations.

2. Conviction

For purposes of reporting convictions under the special requirements section, a conviction is 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 any criminal drug statutes.

3. Employee

For purposes of the Policy, an employee is any person holding a University staff or academic appointment, or holding a position at a Department of Energy Laboratory. This includes work study students who are employed by the University. Students employed by outside agencies that have written agreements with the University that the agencies are the employers of the students rather than the University are not considered employees of the University.

4. Student

A student is:

- one who is currently enrolled for academic credit at a campus of the University of California; or
- one who, during the recess periods between academic terms, has completed the immediately preceding term and is eligible for reenrollment.

For purposes of this policy, this includes a student who is enrolled for academic credit during a summer session at the University and has been admitted to the University for the succeeding fall term. Individuals enrolled for continuing education units are not considered students.

5. Support Programs

a. Employee Support Programs

Employee Support Programs refer to University-sponsored **Employee Assistance Programs (EAP)** and **Vocational Rehabilitation Programs (REHAB)**. EAPs are designed to assist supervisors and employees whose personal problems are affecting their performance at the work site as a result of substance abuse, chemical dependency, addiction, alcoholism, or other personal problems. EAPs provide confidential services in short-term counseling and intervention, assessment and referral, and supervisory consultation and training. Employees are encouraged to self-refer and seek this confidential assistance from the Employee Assistance

Counselor for substance abuse problems. Vocational Rehabilitation Programs provide counseling and technical assistance when an employee becomes disabled because of substance abuse and the need for accommodation, rehabilitation, or medical separation arises. On some campus and Laboratory sites, EAP services and Vocational Rehabilitation services may be provided within a single department or under the department name of **Employee Support Programs/Services**. Student employees are eligible for participation in Employee Support Programs/Services.

b. Student Support Programs

**Student Support Programs** refer to campus and community education and assistance programs and referral services which are available to students. Campus education services and programs may include health education programs, residential life activities, and campus-wide drug and alcohol education programs that are designed to inform students and other members of the campus community of the problems associated with the illegal use of alcohol and other drugs. Campus student assistance programs include student health services, counseling and psychological services, and drug and alcohol education programs that provide counseling, referral, and treatment for abuse of alcohol and other drugs. Students are encouraged to self-refer and seek assistance for substance abuse problems.

6. Substance-abuse assistance or rehabilitation programs

Substance-abuse assistance or rehabilitation programs as referred to in the Policy are programs providing drug and/or alcohol counseling, family counseling, treatment, rehabilitation, and assistance in re-entry.

7. Substances

a. Controlled substances

Controlled substances are those substances defined in schedules I through V of the Controlled Substances Act, 21 U.S.C. §812, and by regulation at 21 C.F.R. §1308. For employees, a list of controlled substances is available from the Employee Support Programs/Services at each location. Students may obtain the list from a location as designated by each campus.

b. Illegal substances

Illegal substances are controlled substances listed in the Controlled Substance Act which are obtained illegally.

c. Legal substances

Legal substances are (1) controlled substances that are prescribed or administered by a licensed physician or health-care professional; (2) over-the-counter drugs; and (3) alcoholic beverages.

C. SUBSTANCE ABUSE AWARENESS PROGRAM

Chancellors and Laboratory Directors are responsible for developing and implementing on-going substance abuse awareness programs for employees, supervisors, and students. Those programs shall include annual\* distribution of information regarding the following:

1. the University of California Policy on Substance Abuse which prohibits the unlawful manufacture, distribution, dispensing, possession, use or sale of controlled substances or legal substances, and the abuse of legal substances in the workplace, on University premises, at official University functions, or on University business;
2. the dangers of substance abuse in the workplace or as a part of student life or scholarly activities, and a description of the health risks associated with substance abuse;
3. substance abuse counseling, rehabilitation, employee assistance programs, and psychological services for students which are available at each location or through referral;
4. penalties and disciplinary sanctions that may be imposed upon employees and students for substance abuse violations occurring in the workplace, on University premises, at official University functions, or on University business; and

\* Because of the applicability of the Drug-Free Schools and Communities Act to the campuses and not to the Department of Energy Laboratories, annual distribution of information is not specifically required by statute for the Laboratories.

5. a description of the legal sanctions under local, State, and Federal law for the unlawful possession or distribution of illicit drugs and alcohol.

Such programs should include: distribution and discussion of the University's Policy at new employee and student orientation sessions; identification and dissemination of information regarding Employee Assistance Programs; information regarding counseling and referral services for students; distribution of educational materials regarding the symptoms and problems of substance abuse; training programs for staff, faculty, and students conducted by experts in the field of substance abuse prevention; and inclusion of training programs and regular updates for new and current supervisors.

#### D. CERTIFICATION REQUIREMENTS

Chancellors and Laboratory Directors are responsible for ensuring any certification as required by Federal and State law and for developing procedures to implement the University of California Policy on Substance Abuse and the aforementioned laws by:

1. providing information annually regarding the University of California Policy on Substance Abuse and the information identified in Section C (1-5) - Substance Abuse Awareness Program to each employee and student, which includes providing notice to each employee, including student employees, that as a condition of employment under Federal and State contracts or grants, the employee must abide by the terms of the University of California Policy on Substance Abuse, and that employees working on Federal contracts and grants shall notify the employer of any criminal drug statute conviction for a violation occurring in the workplace, while traveling or on other University business, no later than five calendar days after such conviction;
2. providing procedures by which an employee engaged on a Federal contract or grant can report convictions for drug violations in the workplace;
3. notifying each Federal agency funding the contract or grant of the position title and award number for each contract and grant on which the employee was working within 10 calendar days after notice from an employee of a conviction;
4. taking appropriate disciplinary action against an employee who has been convicted and/or requiring the



employee to participate satisfactorily in a substance abuse or rehabilitation program; and

5. conducting a biennial review of the substance abuse program as provided for in the Drug-Free Schools and Communities Act.

Campuses and Laboratories should assure retention of documentation of the University's compliance with the requirements of the Federal Drug-Free Workplace Act of 1988, the State Drug-Free Workplace Act of 1990, the Drug-Free Schools and Communities Act of 1989, and other laws.

#### E. DISCIPLINARY ACTION

##### 1. Employees

Employees found to be in violation of the University of California Policy on Substance Abuse may be subject to corrective action, up to and including dismissal, under the applicable personnel policies or collective bargaining agreements.

For a member of the faculty, disciplinary hearing proceedings shall be in accordance with procedures established by the Academic Senate. The administration of discipline shall be in accordance with procedures established by the University in consultation with the Academic Senate.

Student employees found to be in violation of the Policy as a result of actions taken during the course of their activities as employees may be subject to corrective action under applicable personnel policies or collective bargaining agreements. Existing University policy provides that the loss of University employment shall not be a form of corrective action for students, unless the conduct giving rise to the discipline is related to the employment.

In addition to, or in lieu of corrective action, employees may, as a condition of employment, be required to participate in a substance abuse assistance or rehabilitation program. If the employee continues to perform any job duties during the time of this participation, the employee will be expected to conform to the standards for satisfactory work performance.

Employees found to have engaged in other kinds of misconduct will be disciplined or discharged under the applicable personnel policies or collective bargaining agreements.

## 2. Students

Students found to be in violation of the University of California Policy on Substance Abuse may be disciplined as set forth in Section 52.130 of the University of California Policies Applying to Campus Activities, Organizations, and Students (Part A), and campus implementing regulations. Types of student disciplinary action include: warning, censure, loss of privileges and exclusion from activities, restitution, suspension, and dismissal. Section 52.124 provides that the loss of University employment shall not be a form of corrective action for students, unless the conduct giving rise to the discipline is related to the employment.

In addition to, or in lieu of disciplinary action, students may, as a condition of continued enrollment, be required to participate in a substance abuse assistance or rehabilitation program.

### F. PROGRAM REVIEW

Campuses and Laboratories shall be responsible for assessing compliance with the legal requirements as set forth in Federal and State laws.