



## **CNU SUBSTANCE ABUSE POLICY FOR EMPLOYEES**

### **OBJECTIVE AND INTENT**

- A. Christopher Newport University is committed to protecting the health, safety, and welfare of the citizens it serves by assuring that a drug-free workplace is maintained and that employees perform their duties unimpaired by the effects of drugs or alcohol. In compliance with this commitment and the federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, Christopher Newport University establishes the following substance abuse policy.
- B. The unlawful manufacture, possession, use, or distribution of illicit drugs and controlled substances and the unlawful possession, use, or distribution of alcohol on Christopher Newport University property is prohibited. Violations of this policy will be handled according to existing personnel policies and procedures governing the conduct of administrators, faculty, and staff.

### **DEFINITIONS**

- A. Controlled Substance – A drug or substance found in Section 54.1-3401 and Schedules I through VI of Sections 54.1-3446 through 3456 of the Code of Virginia, as amended, and Section 202 of the Federal Controlled Substances Act (21 US C. 812).
- B. Alcohol – Any product as defined in “The Alcoholic Beverage Control Act,” Section 4-2 of the Code of Virginia, as amended.
- C. Conviction – 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 the Federal or State criminal drug statutes.
- D. Criminal Drug Statute – A criminal statute prohibiting the unlawful manufacture, distribution, dispensation, use, or possession of any controlled substance.
- E. Drug – Any controlled substance or prescribed or non-prescribed medication, taken into the body, other than alcohol, which may impair one’s mental faculties and/or physical performance.
- F. Employee – Administrative faculty, professional faculty, teaching faculty, classified and nonclassified, full-time and part-time, salaried and hourly persons, and any and all other individuals, except independent contractors employed by Christopher Newport University.
- G. Workplace – Any site where official duties are being performed by employees.

### **CONTROLLED SUBSTANCES**

- A. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited at the workplace.
- B. Any employee who violates III.A. may be subject to disciplinary action, including discharge, and/or referral to an assistance or rehabilitation program at the discretion of management. Any employee who is referred to an assistance or rehabilitation program must satisfactorily participate in such a program. Satisfactory participation in such program shall be determined by management after consultation with the individual or organization providing the assistance or rehabilitation and/or the Employee Assistance Program (if enrolled under the Commonwealth’s health care program).

### **ALCOHOL**

- A. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol is prohibited at the workplace.
- B. Any employee who violates IV.A. may be subject to disciplinary action, including discharge, and/or referral to an assistance or rehabilitation program at the discretion of management. Any employee who is referred to an assistance or rehabilitation program must satisfactorily participate in such a program. Satisfactory participation in such program shall be determined by management after consultation with the individual or organization providing the assistance or rehabilitation

and/or the Employee Assistance Program (if enrolled under the Commonwealth's health care program).

### **FITNESS FOR WORK**

- A. Employees are to perform their assigned duties unimpaired by the effects of drugs or alcohol.
- B. Any employee whose performance is impaired by the effects of drugs or alcohol at the workplace may be subject to disciplinary action, including discharge, and/or referral to an assistance or rehabilitation program as the discretion of management.

### **EMPLOYEE RESPONSIBILITIES**

- A. As a condition of employment, all employees shall:
  - i) Abide by the terms of this policy, and;
  - ii) Notify the President or designee of any criminal drug statute conviction which occurred in the workplace no later than five days after such conviction is entered, as required by Federal law.

### **INSTITUTIONAL RESPONSIBILITIES**

- A. Christopher Newport University shall provide its employees with a copy of this policy, including a description of the health risks associated with the illicit use of drugs or the abuse of alcohol, and a general description of criminal sanctions under Federal and State law, for the unlawful possession or distribution of illicit drugs and alcohol, as required by the Drug-Free School and Communities Act of 1989. Furthermore, Christopher Newport University shall inform its employees of the dangers of drug abuse in the workplace, available drug and alcohol counseling, and rehabilitation and employee assistance programs.
- B. Christopher Newport University will ensure that disciplinary actions taken as a result of a violation of this policy are consistent, fairly applied, and not unduly harsh or punitive based on the severity and nature of the violation.
- C. Christopher Newport University will inform the federal contractor or granting agency within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring at the workplace or otherwise receiving actual notice of such conviction, as required by the Drug-Free Workplace Act of 1988.
- D. Christopher Newport University shall, within thirty (30) days of receiving notice of an employee's conviction for a criminal drug statute offense occurring in the workplace, take appropriate disciplinary action against such employee and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program, as required by the Drug-Free Workplace Act of 1988.

### **REHABILITATION PROGRAMS**

- A. Employees experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling assistance. Supervisors are encouraged to assist employees seeking such assistance. Notwithstanding an employee's voluntary participation in a drug or alcohol rehabilitation programs, the employee is expected to perform his duties according to developed job standards and expectations.
- B. Value Options EAP program is available to certain state employees for counseling and referral for drug and alcohol related problem, as well as, other personal problems.
- C. With respect to any violation of this policy, the following provisions apply:
  - i) Supervisors should consult with Value Options EAP program of other state operated substance or rehabilitation program. The employee should refer to his/her healthcare plan for specific information regarding their coverage. Under current health care benefits, not all treatment programs are covered.
  - ii) Management is encouraged to consult with Value Options EAP program or other state operated substance abuse programs in determining whether a state employee referred to an assistance or rehabilitation program has satisfactorily participated in such program.

- D. Other agencies such as the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Health may be contacted to provide assistance and referral information.
- E. Employees may be granted leaves of absence (leave without pay if no leave balances are available) to participate in rehabilitation programs for treatment of drug or alcohol abuse at the discretion of management.

**CHRISTOPHER NEWPORT UNIVERSITY SUBSTANCE ABUSE POLICIES**

- A. Christopher Newport University may modify this policy or promulgate additional substance abuse policies as needed.

**COVERAGE OF PERSONNEL**

- A. This policy is applicable to all employees of Christopher Newport University.

**INTERPRETATION**

- A. The President or his designee is responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to the Office of Human Resources.

**BIENNIAL REVIEW**

- A. Christopher Newport University shall conduct periodic reviews (at least biennially) of its drug prevention programs to determine their effectiveness and to implement changes as requested.

## **VIRGINIA LAWS PERTAINING TO THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES, ILLICIT DRUGS AND ALCOHOL**

### **ALCOHOL**

Virginia's Alcohol Beverage Control Act contains a variety of laws governing the possession, use, and consumption of alcoholic beverages. The Act applies to the students and employees of the institution. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below.

1. It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both. Additionally, such person's Virginia driver's license may be suspended for a period of not more than one year.
2. It is unlawful for any person to sell alcoholic beverages to persons under 21 years of age. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, he knows or has reason to know that the person for whom the alcohol is purchased is under the legal drinking age. The criminal sanction for violation of the law is the same as #2 above.
4. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. Persons violating the law, upon conviction, expose the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.

### **CONTROLLED SUBSTANCES AND ILLICIT DRUGS**

The unlawful possession, distribution, and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into "Schedules," ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950) as amended. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below.

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment of ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.
4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.

5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
6. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is imprisonment from five to forty years and a fine up to \$100,000. Upon a second conviction, the violator must be imprisoned for not less than five years, but may suffer life imprisonment, and fine up to \$100,000.
7. Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
8. Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
9. Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.