

Controlled Substances and Alcohol

- Authority** This Guide Memo was approved by the Executive Director of Human Resources.
- Applicability** This Guide Memo applies to all Stanford employees (faculty, staff, and students) as defined Guide Memo 23.1, Definitions, http://adminguide.stanford.edu/23_1.pdf, as well as to certain individuals who are not employees of Stanford as defined in the policy section. This Guide Memo also applies to all Stanford students.
- Summary** Section headings are:
1. BACKGROUND AND PURPOSE
 2. POLICY
 3. GUIDE TO SUPERVISORS
 4. GETTING HELP
 5. LEGAL SANCTIONS
- APPENDIX

1. BACKGROUND AND PURPOSE

- a. **Health Risks** – It is widely recognized that the misuse and abuse of drugs ("controlled substances"¹) and the abuse of alcohol are major contributors to serious health problems as well as to social and civic concerns. The health risks associated with the use of illicit drugs and the abuse of alcohol include various deleterious physical and mental consequences including addiction, severe disability, and death. Information concerning the known effects of alcohol and specific drugs is available from the Alcohol and Other Drug Abuse Prevention Program at the Cowell Student Health Center, <http://cowell.stanford.edu/resources/alcsubabuse.html>.
- b. **Federal Legislation** – In response to these concerns, the U.S. Congress passed the *Drug-Free Workplace Act of 1988*, the *Drug-Free Schools and Communities Act Amendments of 1989*, and the *Omnibus Transportation Employee Testing Act of 1991*. In accordance with these Acts, Stanford University has enacted the following policy applicable to all employees and students.

2. POLICY

It is the policy of Stanford University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on the Stanford campus, in the workplace, or as part of any of the University's activities. (For clarification of what activities related to controlled substances and alcohol are unlawful, see the Appendix at the end of this Guide Memo.) The workplace and campus are presumed to include all Stanford premises where the activities of the University are conducted. Violation of this policy may result in disciplinary sanctions up to and including termination of employment or expulsion of students. Violations may also be referred to the appropriate authorities for prosecution.

This policy will be reviewed at least biennially.

- a. **Employees** – As a condition of employment, all Stanford employees are required to follow this policy. Employees who unlawfully manufacture, distribute, dispense, possess or use controlled substances or unlawfully use, possess, or distribute alcohol in the workplace, on the campus, or as part of any University activity shall be subject to discipline up to and including discharge from employment.

¹Controlled substances are those defined in 21 U.S.C.812 and include, but are not limited to, such substances as marijuana, heroin, cocaine and amphetamines.

An employee who is convicted (including a plea of nolo contendere) of a criminal drug statute violation occurring in the workplace must, within five (5) days thereafter, notify Stanford University of such conviction by informing the human resources manager or the Manager of Employee & Management Services (for staff) or the dean (for faculty).

Individuals who are not Stanford employees, but who perform work at Stanford for its benefit (e.g., independent contractors, job shoppers, temporary employees provided by agencies, visitors engaged in joint projects at Stanford, volunteers and so forth) are required to comply with this policy. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances or unlawfully use, possess, or distribute alcohol in the Stanford workplace may be barred from further work for and at Stanford.

Employees required to obtain Commercial Drivers Licenses in order to be able to drive vehicles heavier than 26,000 pounds, vehicles placarded for the transportation of hazardous materials, and/or vehicles designed to carry sixteen (16) or more persons are subject to a protocol of testing for the use of drugs and alcohol.

- b. **Students** – Students who unlawfully distribute, possess or use controlled substances or alcohol in the workplace, on the campus, or as part of any University activity may be subject to discipline up to and including expulsion.
- c. **Rehabilitation** – Successful completion of an appropriate rehabilitation program (including participation in aftercare) may be considered as evidence of eligibility for continued or future employment or for reinstatement of student status.

3. GUIDE TO SUPERVISORS

Responsibility for effective implementation and enforcement of Stanford's Controlled Substance and Alcohol Policy begins with supervisors. Supervisors must be alert to indications or evidence of the use or presence of controlled substances or alcohol in the workplace.

- a. **Communication** – Supervisors must make sure that every employee is aware of Stanford's Controlled Substance and Alcohol Policy and understands that violation of this policy is a serious matter and cause for disciplinary action including possible termination of employment. Supervisors must assure that a copy of the Policy is posted in the work area and that each new employee is given a copy.
- b. **Presence of Controlled Substances or Alcohol in the Workplace** – At Stanford University the unlawful manufacture, distribution, dispensation, possession and/or use of controlled substances or the unlawful use, possession, or distribution of alcohol on the Stanford campus, in the workplace, or as any part of the University's activities is prohibited. This includes the unlawful use of controlled substances or alcohol in the workplace even if it does not result in impaired job performance or in unacceptable conduct. The unlawful presence of any controlled substance or alcohol in the workplace itself is prohibited.

If and when an employee is suspected of violating this policy, the supervisor should consult with the human resources manager to plan and carry out an appropriate investigation and resolution of the situation.

- c. **Impaired Performance on the Job: Unlawful Use of Controlled Substances or Alcohol in the Workplace** – Performance problems on the job can have many causes. In discussions with an employee concerning any performance problem, the supervisor should offer to help the employee determine the source of the problems and offer guidance on appropriate assistance, counseling, or other resources.

When job performance has become impaired, the supervisor should take normal corrective action, beginning with discussion with the employee. When the behavior of an employee on the job raises safety concerns for the employee and/or others in the workplace, the supervisor must take immediate action to assess the situation; in such cases employees must not be allowed to continue on the job.

Specific actions to be taken depend upon the facts of the particular situation. Supervisors should consult with their human resources manager.

In a situation in which an employee acknowledges to the supervisor that poor performance or unacceptable conduct results from a substance abuse problem, the supervisor should urge the employee to seek help from a qualified substance abuse treatment resource. If the employee chooses to seek help, he or she should be referred to appropriate resources. (See section 4 below.) If the employee requests a leave of absence for a rehabilitation program, the supervisor should take normal steps to review the request for such a leave. Supervisors should make reasonable accommodation consistent with operational requirements.

If the employee demonstrating poor performance or unacceptable conduct claims causes other than substance abuse are contributing to the problem, or does not elect to seek help for whatever is the cause of the problem, the supervisor first should counsel the employee in the ways his or her actions on the job need improvement or are unacceptable. If improvement does not take place, the employee should be warned that the poor performance can result in discipline, including possible termination of employment. Appropriate corrective steps should be taken in consultation with the human resources manager.

- d. **Reporting of Convictions** – Employees who are convicted of a criminal drug statute violation occurring in the workplace must report the conviction directly, or through their human resources manager, to the Manager of Employee & Management Services for appropriate action as required by University policy and/or law.
- e. **Testing for Drugs and Alcohol** – Supervisors of employees who are required to obtain Commercial Drivers Licenses in order to be able to drive vehicles weighing more than 26,000 pounds, vehicles placarded for the transportation of hazardous materials, and/or vehicles designed to carry sixteen (16) or more persons must assure that the appropriate tests for the use of drugs and/or alcohol are administered to these employees. For details on this testing regimen, refer to the "Stanford University Procedures Manual for Drug and Alcohol Testing of Employees and Applicants Required to Hold Commercial Drivers Licenses."

4. GETTING HELP

Employees who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their family physicians, their health plan, or the Stanford Help Center, <http://www.stanford.edu/dept/helpcenter>, which can refer them to appropriate resources (community or private agencies) that provide complete, confidential substance abuse counseling.

Many health insurance plans provide coverage for substance abuse programs to address substance abuse and rehabilitation. The Office of Total Compensation has complete information.

Students (including employees who are also Stanford students) are urged to contact the Alcohol and Other Drug Abuse Prevention Program and/or Counseling and Psychology Services, both at Cowell Student Health Service.

5. LEGAL SANCTIONS

The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or alcohol is regulated by a number of federal, state and local laws. These laws impose legal sanctions for both misdemeanor and felony convictions. Criminal penalties for convictions can range from fines and probation to denial or revocation of federal benefits (such as student loans) to imprisonment and forfeiture of personal and real property.

The Appendix to this Guide Memo contains a list of some of the laws pertaining to the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol. Because the laws change from time to time, the information provided in the Appendix is illustrative, not exhaustive. More detailed and current information is available from the Stanford Department of Public Safety.

APPENDIX

Some laws imposing criminal sanctions for unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol

Generally, as of February 2006 it is a criminal offence:

- to illegally manufacture, sell, distribute, or possess controlled substances (those listed in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) (21 U.S.C. 828, 841, 844, 859, 860);
- to unlawfully possess or possess for sale controlled substances specified in California Health and Safety Code 11054, 11055, 11056, 11057, 11058;
- to possess, cultivate, sell or possess for sale marijuana (Cal. Health and Safety Codes 11357, 11358, 11359);
- to use or be under the influence of a controlled substance (Cal. Health and Safety Code 11550);
- to transport, sell, or distribute marijuana to a minor or to use a minor to transport, sell, or distribute marijuana (Cal. Health and Safety Code 11361);
- to possess, furnish or manufacture drug paraphernalia (Cal. Health and Safety Code 11362 et seq.)
- to provide any alcoholic beverage to a person under 21 or to any obviously intoxicated person (Cal. Business and Professions Code 25658; 25602);
- to be under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others (Cal. Penal Code 647(f));
- for persons under 21 to have any container of alcohol in any public place or any place open to the public (Business and Professions Code 25662);
- to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (Cal. Vehicle Code 23152);
- for any person under the age of 21 to operate a motor vehicle with a blood alcohol level of .05% or higher (Cal. Vehicle Code 23140);
- to have an open container of alcohol in a motor vehicle and for persons under 21 to drive a vehicle carrying alcohol or to possess alcohol while in a motor vehicle (Cal. Vehicle Code 23223; 23224);
- to have in one's possession or to use false evidence of age and identity to purchase alcohol (Cal. Business and Professions Code 25661);
- for any person under age 21 to purchase alcohol (Cal. Business and Professions Code 25658.5).