2.2.8 CONTROLLED SUBSTANCES AND ALCOHOL

1. Background and Purpose

a. Health Risks

It is widely recognized that the misuse and abuse of controlled substances, illegal drugs (collectively called controlled substances and alcohol are major contributors to serious health problems and social and civic concerns. The health risks associated with the use of illicit drugs and the abuse of controlled substances and alcohol include various physical and mental consequences including addiction, severe disability and death. Information concerning the known effects of alcohol and specific drugs is available from the Office of Alcohol Policy and Education [1] at (650) 723-3429.

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.

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.

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 use 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 include all
Stanford premises where the activities of the University are conducted. Moreover, employees are prohibited from being under the influence of controlled substances or alcohol while at work. Violation of this policy may result in disciplinary sanctions up to and including termination of employment or expulsion. Violations may also be referred to the appropriate authorities for prosecution.

a. Employees
As a condition of employment, all Stanford employees are expected to report to work in a condition that enables them to perform their job duties, with or without reasonable accommodation, in a safe manner that does not jeopardize their own safety or the safety of others.

Employees are prohibited from being under the influence of controlled substances or alcohol while at work. "Under the influence" is a condition where an employee's sensory, cognitive, motor functions or job related capabilities are affected, impaired or diminished and may be exhibited through various behaviors including slurred speech, difficulty walking, red eyes, erratic or threatening behavior, the odor of alcohol, etc. (Note: Lawfully prescribed prescription drugs used in accordance with their instructions are not subject to 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 will be subject to discipline up to and including termination of employment. Employees required to obtain Commercial Drivers Licenses to drive vehicles heavier than 26,000 pounds, vehicles placarded for the transportation of hazardous materials, and/or vehicles designed to carry 16 or more persons are subject to a protocol of testing for the use of drugs and alcohol in accordance with DOT guidelines. Employees at SLAC National Accelerator Laboratory must comply with SLAC’s Fitness for Duty policy.

b. Students
Students are bound by this policy and the Stanford Student Alcohol Policy [2].

c. Others on Campus
Individuals who are not Stanford employees, but who perform work at Stanford for its benefit (e.g., independent contractors, temporary employees provided by agencies, visitors engaged in joint projects at Stanford or volunteers) are required to comply with this policy. Such individuals who violate this policy may be barred from further work for and at Stanford.

d. Rehabilitation
Successful completion of an appropriate rehabilitation program (including participation in aftercare) may be considered evidence of eligibility for continued or future employment or for reinstatement of student status.

e. Reporting of Convictions
An employee who is convicted (including a plea of nolo contendere) of a criminal drug statute violation occurring in the workplace or on Stanford property must, notify Stanford University of the conviction within five days after the conviction. Notification must be in writing to the local human resources office, the Associate Vice President of Employee & Labor Relations (for staff) or the Dean (for faculty).

3. Guide to Supervisors
Responsibility for effective implementation and enforcement of Stanford's Controlled Substances 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 employees are aware of Stanford's Controlled Substances and Alcohol Policy and understands that violation of this policy is a serious matter and cause for disciplinary action including possible termination.

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

c. Impaired Performance on the Job: Under the Influence 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 and prohibit the employee from continuing on the job until it is determined that he/she is fit to return to work and perform safely. Specific actions to be taken depend on the facts of the particular situation. Supervisors should consult with their local human resources office and document any cases of suspected employee impairment while at work.

In a situation when the employee acknowledges to the supervisor that poor performance or unacceptable conduct results from a substance or alcohol abuse problem, the supervisor should urge the employee to seek help from a qualified substance abuse treatment resource. If the employee requests a leave of absence for a rehabilitation program, the supervisor should take normal steps to review the leave request. After a review of the situation, any misconduct, performance issues or policy violations which occur before, or coincident with, a voluntary admission of impairment may form the basis of disciplinary consequences up to and including termination.

d. Testing for Drugs and Alcohol
Supervisors of employees who are required to obtain a Commercial Drivers License to drive vehicles weighing more than 26,000 pounds, vehicles placarded for the transportation of hazardous materials, and/or vehicles designed to carry 16 or more persons are responsible for making sure the appropriate tests for the use of drugs and/or alcohol are administered through a suitable drug testing service provider. The department/school is responsible for managing the testing process and determining if the use of an outside vendor is needed for this purpose.

4. Getting Help
Employees concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their physician, their medical plan, or the Stanford Faculty & Staff Help Center, which can refer employees to appropriate resources (community or private agencies) that provide complete, confidential substance abuse treatment.
5. Legal Sanctions

The unlawful manufacture, distribution, dispensing, possession, and/or use of a controlled substance 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.

This Appendix contains a list of some of the laws pertaining to the unlawful manufacture, distribution, dispensing, 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

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

- 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 (CA Health and Safety Codes 11357, 11358, 11359)
- to use or be under the influence of a controlled substance (CA 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 (CA Health and Safety Code 11361)
- to possess, furnish or manufacture drug paraphernalia (CA Health and Safety Code 11362 et seq.)
- to provide any alcoholic beverage to a person under 21 or to any obviously intoxicated person (CA 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 [CA 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 (CA 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 (CA 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 (CA Vehicle Code 23223; 23224)
- to have in one's possession or to use false evidence of age and identity to purchase alcohol (CA Business
for any person under age 21 to purchase alcohol (CA Business and Professions Code 25658.5)