

**The Lutheran University Association, Inc.**

**d/b/a Valparaiso University**

**DRUG AND ALCOHOL POLICY – For All Employees  
Including Faculty and Hourly or Salaried Staff**

**PURPOSE AND SCOPE**

While not directed at the social and private lives of the employees, this policy is directed at the use or abuse of controlled substances and/or alcohol which affects the safety of the employee on the job, the safety of others and/or interferes with job performance.

Valparaiso University (“VU”) is committed to providing a safe and productive work environment for its employees. To accomplish this objective, appropriate policies are implemented from time to time which are consistent with the spirit and intent of this commitment. With this in mind, VU has developed this policy, the purpose being to establish and maintain a work environment that is free from the effects of the use of controlled substances (as defined in the policy) and alcohol abuse.

This policy applies to all employees whether faculty, hourly or salaried staff.

**STATEMENT ON CONTROLLED SUBSTANCES**

For the purposes of this policy, a controlled substance is defined in the Controlled Substance Act (21 U.S.C. 812) and the code of Federal Regulations (21 C.F.R. 1308.11-1308.15). This definition includes prescription controlled substances which have not been prescribed for the employee by a licensed physician or dentist for specific purposes and also includes the general illegal use of legal drugs.

The Drug-Free Workplace Policy prohibits the illegal use, sale, transfer, dispensing, distribution, possession, unlawful manufacture, or being under the influence, of controlled substances while on the job or on VU premises (including vehicles used for business). These include, but are not limited to, marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens and barbiturates.

Any such controlled substance found on VU premises will be turned over to VU management and may result in criminal prosecution.

### **VU STATEMENT ON ALCOHOL**

Except for limited circumstances approved by the President (such as for services in the Chapel of the Resurrection), the possession and/or use of alcohol on the job or on VU premises is prohibited. Being under the influence of alcohol on the job or on VU's premises is also prohibited. The use of alcohol in any vehicle while on VU business is strictly prohibited.

Alcohol possession applies to all open or unsealed containers which contain alcoholic beverages. Such containers are not allowed on the job or on VU's premises. Violators are subject to disciplinary action up to and including termination.

### **TESTING FOR CONTROLLED SUBSTANCES**

Tests for controlled substances may be required for applicants or employees in the following circumstances, when applicable:

- a. Testing will be permitted when there is reasonable belief that an employee's job performance is impaired or that the safety of the employee or that of others is affected. Off-the-job activity shall not be regulated unless it can be shown to impair job performance or affects the safety of the employee or others when the employee is on the job.
- b. During and after participation in a drug rehabilitation program for a reasonable period of time.
- c. After a work-related accident.
- d. After an accident which results in \$1,000 or more in property damage or in injuries to any person. Testing may also be required for accidents resulting in damage or in injuries to any person of less than \$1,000 depending on circumstances established at the accident site. This testing applies when the accident occurs during work hours or in a VU vehicle.
- e. When required by law.

- f. VU pre-employment screening may include drug testing. The method of testing will be determined by VU. Applicants who test positive for controlled substance(s) in their systems will not be offered employment.
- g. Return from a lay-off or leave of absence lasting more than four (4) months. (This is not intended to apply to a return from a sabbatical.)

VU shall only use laboratories which have proper policies and procedures providing for safe specimen handling and verification of test results.

If VU determines that a controlled substance test should be given, the employee must fully cooperate and take the test. Any employee who refuses to do so is subject to disciplinary action up to and including immediate termination. (See Section VU's Response To Violations Of This Policy).

### **ALCOHOL TESTING**

VU reserves the right to test for alcohol when the test is job related and a business necessity, including but not limited to the following:

- a. Testing will be permitted when there is reasonable belief that an employee's job performance is impaired or that the safety of the employee or that of others is affected. Off-the-job activity shall not be regulated unless it can be shown to impair job performance or affects the safety of the employee or others when the employee is on the job.
- b. After a work-related accident.
- c. After an accident which results in \$1,000 or more in property damage or in injuries to any person. Testing may also be required for accidents resulting in damage or in injuries to any person of less than \$1,000 depending on circumstances established at the accident site. This testing applies when the accident occurs during work hours or in a VU vehicle.

The laboratory selected for the testing shall have proper procedures providing for safe specimen handling and verification of test results.

If VU determines that an alcohol test should be given, the employee must fully cooperate and take the test. Any employee who refuses to do so is subject to disciplinary action up to and including immediate termination. (See Section VU's Response To Violations Of This Policy).

### **IMPAIRMENT RELATED TO DRUG OR ALCOHOL USE**

VU employees who are impaired will not be allowed to continue working or remain in the workplace. Impaired is defined as a condition which:

- affects the employee's ability to perform his or her job;
- endangers the safety of the employee or others;
- may cause equipment or property damage; or
- may otherwise expose VU to potential liability.

Such impairment, when caused by alcohol, drug or controlled substance abuse, is a violation of this policy. (See Section VU's Response To Violations Of This Policy).

### **VU' S RESPONSE TO VIOLATION OF THIS POLICY**

Any employee who, in violation of this policy, uses, dispenses, sells, manufactures, participates in the distribution of, possesses or is found to be under the influence of controlled substances on VU property or while on VU business, or who uses, possesses or is found to be under the influence of alcohol on VU property (including but not limited to the provisions relating to drug testing) or who otherwise violates the provisions of this policy, is subject to disciplinary action up to and including termination of employment.

VU reserves the right to make a search of its premises and other VU-owned property if a violation of this policy is suspected. VU also reserves the right to search the property of employees on VU's premises when there is a reasonable belief that there has been an abuse of a controlled substance or alcohol or a violation of this policy.

As a condition of employment, all employees are required to abide by this policy. Any employee who is convicted of a federal or non-federal drug statute violation arising out of conduct occurring in the workplace is required to notify VU no later than five (5) days after conviction.