

# UC Davis Policy and Procedure Manual

## Chapter 380, Personnel--General

### Section 18, Substance Abuse

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Responsible Department: Human Resources

Source Document: University of California Policy on Substance Abuse

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#### I. Purpose

The University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances. This section implements the University of California Policy on Substance Abuse, the Drug-Free Workplace Act, the Drug-Free Schools and Communities Act, and the California Drug-Free Workplace Act. This section applies to all campus and UCDHS employees and students.

#### II. Definitions

See the [UC Policy on Substance Abuse and its Implementing Guidelines](#) for more detailed definitions of these and other terms.

- A. Employee--a person who holds a University staff or academic appointment. This includes student employees and Work-Study students who work at the University.
- B. Student--a person who is currently enrolled for academic credit at a University campus.
- C. Substances
  - 1. Controlled substances--those substances defined in the Controlled Substances Act and associated regulations.
  - 2. Illegal substances--controlled substances that are obtained illegally.
  - 3. Legal substances--(a) controlled substances that are prescribed or administered by a licensed health care professional; (b) over-the-counter drugs; and (c) alcoholic beverages.

#### III. Policy

- A. All employees and students

- 1. Prohibited conduct

University policy prohibits the unlawful use, sale, manufacture, distribution, dispensing, or possession 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. 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.

Note: The conditions under which the use of alcohol is allowed on campus are described in [Section 270-21](#), Consumption of Alcoholic Beverages.

- 2. Support programs

The University recognizes dependency on alcohol or other drugs as a treatable condition and offers programs and services for employees and students with substance dependency problems. Employees and students are encouraged to seek assistance from the programs described below. Information given while using the programs will be treated as confidential, in accordance with Federal and State laws.

- a. Academic & Staff Assistance Program (ASAP)

ASAP assists supervisors and employees when substance abuse or other personal problems affect work. ASAP can provide employees with short-term counseling and referrals. ASAP can provide supervisors with consultation and training.

b. Student programs

The campus provides assistance, including short-term counseling and referrals, to students at the Counseling Center. In addition, the Campus Alcohol and Drug Abuse Prevention Program (CADAPP) at the Student Health Center provides advice, assessment, education, and referrals. These programs can also provide staff and faculty with advice and training.

c. Insurance programs

Employee and student health insurance programs offer benefits for the treatment of substance abuse. Specific information is available from ASAP and the Benefits Office for employees, and from the Student Health Center for students.

3. Disciplinary action

a. An employee or student employee who is found to be in violation of this policy may be subject to discipline, up to and including dismissal, as set forth in University policies and union contracts. At the University's discretion, an employee may be required, as a condition of employment, to participate satisfactorily in a treatment program.

b. A student who is found to be in violation of this policy may be subject to discipline, up to and including dismissal, as set forth in the University of California Policies Applying to Campus Activities, Organizations, and Students, Section 102.00, and the UC Davis Administration of Student Discipline. At the University's discretion, a student may be required, as a condition of continued enrollment, to participate satisfactorily in a treatment program.

c. When discipline is necessary and there is a reason to believe that substance abuse is involved, the supervisor or department head discusses the services of ASAP with the employee and encourages him or her to contact ASAP.

4. Awareness program

a. The Drug-Free Schools and Communities Act requires an annual notice to each student and each employee. The Vice Chancellor--Student Affairs provides the notice to students. The Associate Vice Chancellor--Human Resources provides the notice to employees. The UC Implementing Guidelines describe the content of the notice.

b. Student Affairs and Human Resources shall provide training programs on substance abuse for staff, faculty, and students, including new and current supervisors.

5. Biennial review

The Provost & Executive Vice Chancellor shall appoint an official or committee to conduct a biennial review as required by the Drug-Free Schools and Communities Act. The review shall be kept on file for at least 3 years.

B. Federal and State contracts and grants

Departments that have Federal or State contracts or grants must comply with the Federal and State Drug-Free Workplace Act requirements. These laws apply to "direct charge" employees who are directly engaged in the performance of work on a contract or grant. They also apply to

indirect charge employees, unless their impact is not significant to the performance of the contract or grant.

1. The employee shall be given a copy of the UC Policy on Substance Abuse.
2. The employee shall abide by this policy as a condition of employment.
3. A Federal contract or grant employee shall notify his or her supervisor within 5 calendar days if convicted of any criminal drug law violation that occurred in the workplace or while on University business.
4. The University shall notify the Federal contract or grant agency within 10 calendar days of receiving notice of a conviction. The University must take disciplinary action or require the employee to participate in a drug abuse program.

C. Reasonable accommodation

1. An employee may ask for reasonable accommodation of a disability. The request for reasonable accommodation must include documentation from a health care provider that describes the employee's functional limitation. An employee who requests reasonable accommodation may still be subject to disciplinary action for a violation of this policy or for previously identified performance issues. The law does not protect an employee who is currently engaging in the illegal use of drugs. The law provides the same protection if an employee is disabled by alcoholism that it does for any other disability.
2. The campus Disability Management Services and UCDHS Vocational Rehabilitation offices provide counseling and technical assistance on reasonable accommodation of an employee with a disability. See also the applicable personnel policy or union contract section on reasonable accommodation.
3. The Student Disability Center provides counseling and technical assistance when a student or student employee requests reasonable accommodation. See also UC Policies Applying to Campus Activities, Organizations, and Students, Policy 140.00.

**IV. Procedure**

This procedure is used when an employee is alleged to have violated the provisions of III.A.1 or III.B above. If an employee discloses a substance abuse problem to his or her supervisor, but there is no indication of a policy violation, the supervisor shall discuss the ASAP services with the employee and encourage the employee to contact ASAP.

<b>Responsibility</b>	<b>Action</b>
Supervisor or manager	<ol style="list-style-type: none"> <li>1. Learns of a violation of this policy, a criminal conviction, or a work performance problem that may be related to substance abuse.</li> <li>2. Documents the work performance problem or violation of this policy.</li> <li>3. Consults with the staff or academic personnel office and decides whether disciplinary action is appropriate.</li> <li>4. Consults with ASAP to review the services available to the employee and to the manager.</li> </ol>
Staff or academic personnel office	<ol style="list-style-type: none"> <li>5. Describes the alternatives available to the department; identifies resources such as ASAP, the Benefits Office, and Disability Management Services.</li> <li>6. Determines whether there is need to notify a Federal contract or grant agency; assists in giving the notice within 10 days of receiving</li> </ol>

	notice of a conviction.
Supervisor or manager	<p>7. Discusses the policy violation, conviction, or work performance with the employee; documents the discussion; accepts the employee's written response, if any.</p> <p>8. Discusses the services of ASAP with the employee and encourages the employee to contact ASAP.</p> <p>9. Takes disciplinary action, if appropriate; in the case of a reportable conviction, the employee must receive discipline or be required to participate in a treatment and/or monitoring program.</p>
ASAP	<p>10. If employee asks for help, provides full range of services such as counseling, referral, and assistance with return to work.</p> <p>11. Advises supervisor or manager as needed.</p> <p>12. Keeps information confidential, as required by Federal and State law.</p>
Supervisor or manager	<p>13. Monitors work performance.</p> <p>14. If performance does not improve or a further violation of this policy occurs, takes appropriate disciplinary action.</p>

**V. Further Information**

For more detailed information, see the UC Policy on Substance Abuse and its Implementing Guidelines. The following departments provide services described in this policy:

- Academic & Staff Assistance Program, 752-2727 (campus), 734-2727 (UCDHS)
- Campus Alcohol & Drug Abuse Prevention Program (students only), 752-6334 Counseling Center (students only), 752-0871
- Disability Management Services, 752-7227 (campus)
- Employee & Labor Relations, 754-8892 (campus), 734-3362 (UCDHS)
- Office of the Vice Provost--Academic Personnel, 752-2072
- Student Disability Center, 752-3184
- Student Judicial Affairs, 752-1128
- Vocational Rehabilitation, 734-5388 (UCDHS)

**VI. References and Related Policy**

- A. Office of the President: University of California Policy on Substance Abuse (<http://www.ucop.edu/ucophome/coordrev/policy/11-01-90.html>).
- B. Office of the President: Implementing Guidelines for the University of California Policy for Substance Abuse (<http://www.ucop.edu/ucophome/coordrev/policy/12-10-90guide.html>).
- C. UC Policies Applying to Campus Activities, Organizations, and Students (<http://www.ucop.edu/ucophome/uwnews/aospol/toc.html>), Sections 102.00, 102.17, 102.18, 140.00.
- D. UCD Administration of Student Discipline ([http://sja.ucdavis.edu/ucd\\_asd.htm](http://sja.ucdavis.edu/ucd_asd.htm) or <http://sja.ucdavis.edu/pdf/ASD.pdf>).
- E. UCD Policy & Procedure Manual (<http://manuals.ucdavis.edu>):
  1. [Section 270-21](#), Consumption of Alcoholic Beverages.

2. [Section 290-09](#), Violence in the Workplace.
  3. [Section 290-70](#), Controlled Substances.
  4. [Section 380-22](#), Drug and Alcohol Testing of Transportation Employees
- F. United States Code (<http://www4.law.cornell.edu/uscode/> or <http://www.access.gpo.gov/congress/cong013.html>):
1. Drug-Free Schools and Communities Act, 20 U.S. Code 1011i.
  2. Drug-Free Workplace Act, 41 U.S. Code Sections 701-707.
  3. Schedule of Controlled Substances Act, 21 U.S. Code Section 812.
- G. Code of Federal Regulations (<http://www.access.gpo.gov/nara/cfr/>):
1. Drug and Alcohol Abuse Prevention Regulations, 34 CFR Part 86.
  2. Drug-Free Workplace Requirements, 41 CFR Section 105-68.600 et seq.
  3. Schedules of Controlled Substances, 21 CFR Part 1308.
  4. Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2.
- H. California law (<http://www.leginfo.ca.gov/calaw.html>):
1. Drug-Free Workplace Act, Government Code Section 8350-8357.
  2. Uniform Controlled Substances Act, Health and Safety Code Section 11000 et seq.