



**WEST LIBERTY UNIVERSITY  
BOARD OF GOVERNORS RULE 3.4  
DRUG FREE WORKPLACE**

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**Effective Date:** March 18, 1989

**Revision History:** October 1, 1991; July 1, 1997; Prior BOG Policy 33

**President's Signature:** On File

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**SECTION 1: Purpose And Scope.**

- 1.1 The purpose of this Rule is to comply with the Drug-Free Workplace Act of 1988 (Pub. L 100-690, Title V, Subtitle D), as amended, and the Safe and Drug Free Schools and Communities Act of 1989.
- 1.2 This Rule applies to all West Liberty University employees, including faculty, classified and non-classified staff, and student employees, and students enrolled in any course.

**SECTION 2: Statement.**

- 2.1 Illegal drugs in the workplace are a danger to everyone. Drugs impede the safety and health of our employees, promote criminal activity, lower productivity and quality of work, and undermine public confidence. The University does not tolerate the use of illegal drugs by its employees. Under the terms of the Drug-Free Workplace Act of 1988, the federal government requires any employer doing at least \$25,000.00 worth of business with the United States Government to maintain a strict, drug-free posture with respect to its employees. Colleges and Universities receiving federal grants, no matter how small, must also conform to the requirements of the Act. Failing to do so can subject the employer to loss of federal funds as well as up to five years' exclusion from applying for federal grants or subsidies.

**SECTION 3: Provisions.**

- 3.1 Employees of the University are absolutely prohibited from unlawfully using, possessing, distributing, dispensing, or manufacturing controlled substances in the workplace. Controlled substances include, but are not limited to, narcotics such as cannabis, stimulants, depressants, and hallucinogens.
- 3.2 Employee Penalties. Any employee who engages in this prohibited conduct will be subject to appropriate disciplinary action up to and including immediate termination of employment rights for a first offense. Violation of this policy will constitute a breach of the standards of employee conduct. Failure by an employee to inform the University within the time frames covered in Section 3.2.1 also will be grounds for similar disciplinary action. In a case of first conviction, the



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President of the University will have the prerogative to levy a lesser discipline than discharge in combination with employee participation in an approved program of rehabilitation for such problems. Continued employment for a first offender participating in an approved program of rehabilitation shall be contingent on regular attendance and completion of the program. In all cases a second conviction for any workplace drug-related offense will result in immediate discharge. Rights and routes of appeal will be recognized as they are for any other employee disciplinary matters. Specific procedures are covered in WV Code Section 29-6A-1, et. seq. also known as the "Grievance Procedure".

**3.2 Notification Guidelines.**

**3.2.1 Employer Notice of Employee Drug-Related Convictions.** Any employee convicted of violating a state or federal criminal drug law in the workplace {including pleas of nolo contendere} must inform the University's Chief Human Resources Officer within five (5) days of the date of conviction.

**3.2.2 Notification to Federal contracting Officer by the University.** The University is required to notify the Federal Contracting Officer of workplace drug violations within ten (10) days of receiving such notice from an employee or other reliable source possessing verified information of an employee's workplace drug-related conviction.

**3.2.3 Dissemination of Policy-Related Information.**

3.2.3.1 The Human Resources Department will provide all new employees with a copy of the University's policy and an information chart listing common controlled substances, their uses, and effects.

3.2.3.2 Employees receiving the above information will be obliged to acknowledge in writing that they have received the information, understand its content, and agree to abide completely by the policy as a condition of continued employment.

**3.3 Employee Awareness And Treatment.**

3.3.1 Employees need to understand the dangers associated with drug abuse in the workplace, to understand the University's position of concern and commitment to a drug-free workplace, and to know what avenues of



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assistance are available to employees to combat employee drug problems before they lead to criminal and workplace sanctions.

3.3.2 Employee Educational Awareness Program. Periodic educational in-service programs will be made available to employees. Programs will present information on drug awareness, consequences of use, treatment, and legal implications. Programs usually will be conducted annually and will be the joint responsibility of the Campus Health Promotion Committee and the University's Counseling Center.

3.3.3 Information and Referral Services. Any time during the year, confidential information and treatment referral services may be obtained from the Chief Human Resources Officer or a Counselor at the Counseling Center.

3.3.4 Employee Health Plan Eligible Services. Employees should consult with the Human Resources Department and/or their own medical plans for precise information on covered expenses and eligible services.

**SECTION 4: Authority.**

4.1 W.Va. Code §18B-1-6.