



UC San Diego

Policy & Procedure Manual

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CEREMONIES, CONDUCT, AND DISCIPLINE

Section: 270-8

Effective: 09/23/1991

Supersedes: 04/21/1989

Review Date: TBD

Issuance Date: 09/23/1991

Issuing Office: [Employee Relations, Policy Development & Work Life](#)

UNIVERSITY OF CALIFORNIA POLICY ON SUBSTANCE ABUSE

I. REFERENCES

- A. Substance Abuse Program: Official Notice to Academic and Staff Employees and Students, October 1, 1990.

Consult this Substance Abuse Program: Official Notice if there are any questions regarding health risks associated with substance abuse, resources for assistance, consequences for violation of policy, legal sanctions, applicability of this procedure to non- employees, and information regarding the effects of substances.

- B. University of California Policies Applying to Campus Activities, Organizations, and Students (Part A)

- C. University of California Policy on Substance Abuse, 10/1/91

II. BACKGROUND

The University of California, San Diego (UC San Diego) has always been committed to a campus environment free from the problems of substance abuse and dependency. At UC San Diego, the University of California Policy on Substance Abuse has always applied to academic, staff, and student employees and students. President Gardner has issued a revision to the University of California Policy on Substance Abuse which is provided in its entirety in *Supplement I*.

The revised University of California Policy (UC Policy) continues to prohibit illegal use, manufacture, possession, or distribution of controlled substances by University employees in the workplace. The revised UC Policy applies to all premises of and functions sponsored by UC San Diego; includes more specific language on the applicability of the policy to students; extends the applicability of reporting convictions for indirectly funded employees under contracts and grants; and changes the length of time an employee engaged in a contract or grant has to report a conviction involving behavior at the workplace from five days to five calendar days. The changes to this policy are effective immediately.

This issuance summarizes the policy and programs implemented at UC San Diego for our Substance Abuse Awareness Program (see Section VI.) and ensures ongoing compliance with UC Policy.

III. POLICY

The complete UC Policy on Substance Abuse is provided in *Supplement I*. Departments should make copies and post it on bulletin boards devoted to the retention of permanent notices.

IV. AUTHORITY

The Chancellor is responsible for implementing the provisions of the UC Policy on Substance Abuse , including provisions of the Drug-Free Schools and Communities Act (Public Law 101-226), and special requirements for employees engaged on Federal and State contracts and grants, as set forth in the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State of California Drug-Free Workplace Act of 1990. This policy applies to all University of California academic or staff employees, student employees, and students.

V. DEFINITIONS

A. Confidential Information

Confidential information as used in this policy is defined as medical and counseling/psychological records pertaining to the diagnosis or treatment of alcohol or drug abuse program subject to protection under the Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR, pt. 2), the California Health and Safety Code section 11978, the State of California Information Practices of 1977 and the University of California Policies Applying to the Disclosure of Information from Student Records, and may not be disclosed further without specific authorization by the employee or student, or where authorized or required pursuant to Federal or State laws and regulations.

B. Conviction

For purposes of reporting convictions under the special requirements section, a conviction is a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of any criminal drug statutes.

C. Employee

For purposes of this policy, an employee is any person holding a University staff or academic appointment. This includes work study students who are employed by the University. Students employed by outside agencies that have written agreements with the University where the agencies are the employers of the student rather than the University are not considered employees of the University.

D. Student

1. A student is:
 - One who is currently enrolled for academic credit at UC San Diego; or
 - One who, during the recess periods between academic terms, has completed the immediately preceding term and is eligible for re-enrollment.
2. For purposes of this policy, this includes a student who is enrolled for academic credit during a summer session at the University and has been admitted to the University for the succeeding fall term. Individuals enrolled for continuing education units are not considered students.

E. Support Programs

1. Employee Support Programs

Employee Support Programs refer to the Faculty and Staff Assistance Program on campus and the Employee Assistance Program at the Medical Center. These programs are designed to help prevent substance abuse by University employees as well as provide assistance and referral services for those who have substance abuse problems or concerns. Services include assessment, referral to community resources, consultation, supervisory training, return to work assistance, and follow-up. All services are free and are available to family members. Employees are encouraged to self-refer and seek this confidential assistance.

2. Student Support Programs

Student Support Programs refer to the Psychological and Counseling Services, Student Health Services, and drug and alcohol education programs.

Psychological and Counseling Services not only provides counseling to students, But also assists and consults with any member of the University community who Works with students. Students are encouraged to seek assistance voluntarily For alcohol and substance dependency related problems. All information Regarding the contact or follow-up counseling or assistance is confidential and will be treated in accordance with federal and state law and University policies protecting confidentiality of records. All services are provided at no cost to the student.

A student's voluntary decision to seek assistance will not be used in connection with any academic determination or as a basis for disciplinary action.

F. Substance Abuse Assistance or Rehabilitation Programs

Substance abuse assistance or rehabilitation programs referred to in this policy or in the Substance Abuse Program: Official Notice are community or private programs providing drug and/or alcohol counseling, family counseling, treatment, rehabilitation, and assistance in re-entry.

G. Substances

1. Controlled substances

Controlled substances are those substances defined in schedules I through V of the Controlled Substances Act, 21 U.S.C. Section 812 and by regulation at 21

C.F.R. Section 1308. Employees may obtain a list of controlled substances from the Employee Support Programs/Services. Students may obtain the list from Psychological and Counseling services.

2. Illegal substances

Illegal substances are controlled substances which are obtained illegally and are listed in the Controlled Substances Act. Employees may obtain a list of controlled substance from the Employee Support Programs/Services. Students may obtain the list from Psychological and Counseling services.

3. Legal substances

Legal substances are a) controlled substances that are prescribed or administered by a licensed physician or health-care professional; b) over-

the- counter drugs; and c) alcoholic beverages.

VI. SUBSTANCE ABUSE AWARENES PROGRAM

A. UC San Diego, is committed to a campus environment which fosters personal and institutional excellence. UC San Diego is committed to a University community that is free from the problems of substance abuse and dependency. To increase awareness of the problems associated with substance abuse, to outline the official UC Policy, to describe resources available for assistance, and

to discuss each individual's responsibility for work and/or academic performance, the UC San Diego program includes annual distribution of information regarding the following:

1. UC Policy on Substance Abuse;
2. the dangers of substance abuse in the workplace or as a part of student life or scholarly activities, and a description of the health risks associated with substance abuse;
3. Employee Support Programs and Student Support Programs at UC San Diego;
4. penalties and disciplinary sanctions that may be imposed upon employees and students for substance abuse in the workplace, on University premises, at official University functions, or on University business; and
5. legal sanctions under local, State, and Federal law for the unlawful possession or distribution of illicit drugs and alcohol.

B. On an ongoing basis, UC San Diego provides information regarding substance abuse as a part of its education programs for Employee Assistance and supervisory training. Additionally, educational information is included as a regular part of substance abuse awareness programs for students and in other regular communications such as campus newspapers and newsletters.

VII. PROCEDURES

A. Annual Notice

All academic and staff employees and students will receive official notice annually of the UC Policy on Substance Abuse.

B. Permanent Notices

Departments are to ensure that a copy of the UC Policy on Substance Abuse appears on bulletin boards specifically devoted to the retention of permanent notices.

C. Employment Opportunities

For staff positions, the UCSD Promotional and Employment Opportunities bulletin includes an announcement regarding the UC policy of a drug-free workplace.

For student positions, the Career Services Department posts the UC Policy of a drug-free workplace on the official bulletin board reserved for notices of job opportunities.

D. New Employees

For academic employees, Academic Personnel will include a copy of the UC San Diego Substance Abuse Program: Official Notice to Academic and Staff Employees and Students in materials given to new academic employees. Substance Abuse Program: Official Notices can be obtained from the Storehouse.

For staff employees, departments will include a copy of the UC San Diego Substance Abuse Program: Official Notice to Academic and Staff Employees and Students in materials given to new employees during their first week of work. Substance Abuse Program: Official Notices can be obtained from the Storehouse.

For student employees, departments will include a copy of the UC San Diego Substance Abuse Program: Official Notice to Academic and Staff Employees and Students in materials given to new student employees during their first week of work. Substance Abuse Program: Official Notices can be obtained from the Storehouse.

E. Contracts and Grants

Upon receipt of a new or continuation award, the Office of Contract and Grant Administration will remind the Principal Investigator that employees paid from the contract or grant must be notified that adherence to this policy and its reporting requirements is a term and condition of their employment. Departments should be mindful that this applies to all indirect charge employees who perform support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the contract or grant.

F. Continuing Employees

Upon the receipt of notification of a new or renewed federal or state contract or grant, departments will distribute a copy of the UC Policy on Substance Abuse to any departmental employee involved in that federal or state contract or grant.

VIII. DISCIPLINARY

ACTION A.

Employees

Employees found to be in violation of the UC Policy on Substance Abuse may be subject to corrective action, up to and including dismissal, under the applicable personnel policies or collective bargaining agreements.

For a member of the faculty, disciplinary hearing proceedings shall be in accordance with procedures established by the Academic Senate. The administration of discipline shall be in accordance with procedures established by the University in consultation with the Academic Senate.

Student employees found to be in violation of the UC Policy as a result of actions taken during the course of their activities as employees may be subject to corrective action under applicable personnel policies or collective bargaining agreements. Existing University policy provides that the loss of University employment shall not be a form of corrective action for students, unless the conduct giving rise to the discipline is related to the employment.

In addition to, or in lieu of corrective action, employees may, at the discretion of the University and as a condition of employment, be required to participate satisfactorily in an Employee Support Program. If the employee continues to perform any job duties during the time of this participation, the employee will be expected to conform to the standards for satisfactory work performance.

Employees found to have engaged in other kinds of misconduct (as defined under personnel policy or collective bargaining agreement) will be disciplined or discharged under the applicable personnel policies or collective bargaining agreements.

B. Students

Students found to be in violation of the UC Policy on Substance Abuse may be disciplined as set forth in Section 52.00 of the University of California Policies Applying to Campus Activities, Organizations, and Students (Part A), and campus implementing regulations. Types of student disciplinary action include: warning, censure, loss of privileges and exclusion from activities, restitution, suspension, and dismissal.

In addition to, or in lieu of disciplinary action, students may, as a condition of continued enrollment, be required to participate in a substance abuse assistance or rehabilitation program.

IX. PROGRAM REVIEW

The University of California, San Diego is responsible for assessing compliance with the legal requirements as set forth in State and Federal laws.

SUPPLEMENT I

University of California Policy on Substance Abuse

The University of California recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance dependency problems. Employees (including student employees) and students are encouraged to seek assistance, as appropriate, from Employee Support Programs, health centers, and counseling or psychological services available at University locations or through referral. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with Federal and State laws.

The University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances, as defined in schedules I through V of the Controlled Substances Act, 21 United States Code Section 812, and by regulation at 21 Code of Federal Regulations Section 1308. Unlawful manufacture, distribution, dispensing, possession, use, or sale 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 is prohibited. 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.

Employees found to be in violation of this Policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable University policies and labor contracts, or may be required, at the discretion of the University, to participate satisfactorily in an Employee Support Program.

Students found to be in violation of this Policy may be subject to corrective action, up to and including dismissal, as set forth in the University of California Policies Applying to Campus Activities, Organizations, and Students (Part A) and in campus regulations, or may be required, at the discretion of the University, to participate satisfactorily in a treatment program.

Special requirements for employees engaged on Federal or State contracts and grants

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State Drug-Free Workplace Act of 1990 require that University employees directly engaged in the performance of work on a Federal or State contract or grant shall abide by this Policy as a condition of employment.

Employees working on Federal contracts and grants shall notify the University within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. This requirement also applies to all indirect charge employees who perform support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the contract or grant. The University is required to notify the Federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within thirty calendar days of having received notice of such conviction.