



The University of Vermont

Policy V.7.2.2

Responsible Official: Vice President for
Human Resources, Diversity, and
Multicultural Affairs

Effective Date: July 3, 2018

Alcohol, Cannabis and Other Drug Use - Faculty and Staff - Interim

Policy Statement

The University of Vermont is committed to maintaining a drug-free workplace and workforce in conformity with federal laws, as set forth in the Drug-Free Workplace Act of 1990 and the Drug Free Schools and Communities Act of 1989. It is the policy of the University to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances by UVM employees both on and off campus. The misuse and abuse of alcohol, the use of cannabis and other illicit drugs, and the illicit use of controlled substances constitute a threat to the educational mission of the University, a violation of state and/or federal law and a violation of University Policy.

Violations of this policy may subject employees to disciplinary action, up to and including termination of employment and referral for criminal prosecution. UVM will also provide information and referral to, and may also require employees to participate in, a drug or alcohol assistance or rehabilitation program where appropriate.

Reason for the Policy

The University of Vermont is committed to providing a workplace free from the adverse effects of alcohol, the use of illicit drugs, including cannabis, and the illicit use of controlled substances, and seeks to make its employees aware of the dangers of drug and alcohol abuse as well as the availability of drug and alcohol counseling, rehabilitation and employee assistance. All members of the University community are responsible for being fully aware of the requirements of University policy as well as local, state, and federal laws regarding alcohol, illicit drug use, including use of cannabis, and the illicit use of controlled substances. The University will hold employees responsible for behavior that violates University policy pursuant to applicable disciplinary procedures and may also refer incidents which could constitute a violation of law to University Police Services.

Applicability of the Policy

This policy applies to all employees of the University of Vermont.

Policy Elaboration

Possession or consumption of alcohol on University Property or at University Activities is allowed only by individuals 21 years of age and older and only in areas designated by the University for the sale or consumption of alcohol. Possession or consumption of alcohol by individuals under the age of 21, or in any other places owned or controlled by the University, including office spaces and on-campus residence halls, is strictly prohibited. Possession or use of cannabis and other illicit drugs by employees on University Property or at University Activities (on or off-campus) is strictly prohibited by federal law and University policy. Illicit Use of Controlled Substances is similarly prohibited.

Alcohol, cannabis and other illicit drugs possessed or consumed in violation of this policy are subject to confiscation.

Prohibited Actions

The following actions are expressly prohibited on University property, at University activities, and as otherwise proscribed by federal, state and/or local statutes, unless authorized and approved for a University research project:

- a. Possession or use of illicit drugs, including cannabis, as defined by federal, state, and/or local statutes, except as prescribed by a licensed medical professional, or in the case of cannabis, where the user possesses a valid Vermont medical marijuana card. However, even where the user possesses a valid medical marijuana card, possession or consumption of cannabis on University property or at University activities is prohibited.
- b. Distributing, selling, or possessing with the intent to distribute or sell illicit drugs.
- c. Possession or use of drug paraphernalia.
- d. Possessing, furnishing, or consuming alcohol except as otherwise permitted in this or other University policies.
- e. Performing work for the University while intoxicated or under the influence of illicit drugs, including cannabis, or controlled substances due to illicit use.
- f. Growing and/or manufacturing any illicit drugs, including cannabis.

In addition, University employees are prohibited from providing alcohol to students under the age of 21, and are prohibited from providing illicit drugs, including cannabis, to any student, regardless of whether the employee is on University property or at a University activity.

Drug-Free Awareness, Employee Assistance Program, and Substance Abuse Treatment

- a. The University recognizes that substance abuse is a serious problem that may require professional assistance and treatment and encourages employees to seek help. Support is available to employees who seek education and/or assistance for substance abuse problems. The University has established programs to assist those with substance

- abuse problems and encourages individuals to seek help. Individuals may contact the Employee Assistance Program at (866) 660-9533 to seek a confidential evaluation and opportunity for rehabilitation or referral for treatment for any type of substance abuse problem. The University has established a Drug-Free Awareness and Employee Assistance Program which is administered through the Employee Assistance Program <http://www.uvm.edu/hrs/?Page=healthy/wellness.html>
- b. This program provides information about the dangers of substance abuse in the workplace, supervisory assistance, counseling for any employee or their household members and dependents, as well as confidential referrals to rehabilitation programs approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.
 - c. Long-term mental health and substance abuse (MH/SA) treatment is covered by UVM's health insurance plan for participating employees and their dependents, and is provided through a network managed by Blue Cross and Blue Shield of Vermont (BCBSVT).

Health Risks Associated with Alcohol Abuse and Illicit Drug Use

The improper use of alcohol, illicit use of controlled substances, and the use of illicit drugs, including cannabis, pose significant health risks to individuals, including addiction, permanent injury and death. Risks include: impairment of reflexes making the operation of vehicles or machinery dangerous; short and long-term effects from mixing alcohol with over-the-counter or prescription medications, which may include permanent damage to organs or death; negative impacts on social and emotional well-being and on education and employment; pregnancy complications, including birth defects; long-term health problems including liver disease, heart disease, increased risk of cancer and pancreatitis. Additional information on the health risks associated with the excessive use of alcohol and use of controlled substances may be obtained through the University's Employee Assistance Program.

Notification of Arrests and Convictions

- a. Any employee who has been arrested for and/or convicted of a criminal drug statute violation must notify his/her immediate supervisor no later than five (5) days after the arrest or conviction.
- b. Upon notification of a criminal drug statute conviction, if an employee is supported by federal grants, the University is required by law to notify federal granting or contracting agency(ies) within ten (10) days of the employee's notice to the University of their conviction.

Sanctions

- a. Any employee who violates this policy or who is convicted under a criminal drug statute may be suspended with or without pay pending investigation and through applicable disciplinary procedures. Disciplinary sanctions could include termination from employment. For represented employees, provisions of any applicable collective bargaining agreement will apply.
- b. The University may require employees to satisfactorily participate in a substance abuse assistance or rehabilitation program.
- c. In addition to the sanctions imposed by the University, drug and alcohol violations may be referred to appropriate external authorities. Violations of state and federal

criminal statutes will be addressed in state and federal courts of law.

Summary of Relevant Provisions of Vermont and Federal Law

Vermont law and United States laws control the illicit use of controlled substances, and the possession and sale of alcoholic beverages, and illicit drugs, including cannabis, within the State of Vermont. Violations of these provisions may result in criminal sanctions. Involvement with the criminal justice system is a serious matter even if maximum fines or prison sentences do not result. A criminal record can adversely affect job opportunities, admission to graduate or professional schools, and eligibility for training and financial aid opportunities.

For a comprehensive listing of state and federal penalties related to illicit use and illicit drug and alcohol possession, use, distribution, etc., see [Appendix A](#).

Definitions

Alcohol: any beverage containing more than 0.5% ethyl alcohol by weight.

Cannabis: the parts, products, and derivatives of the plant *Cannabis sativa*, *indica*, *ruderalis* and hybrid strains. Cannabis is a Schedule I substance under the Controlled Substances Act and, as such, is illegal under federal law. Possession and use are strictly prohibited on University Property and at University Activities, irrespective of any state law to the contrary.

Controlled Substance: any of the substances listed in the schedules of the Controlled Substances Act of 1970 and/or any of the controlled or regulated drugs under state law

Conviction: a finding of guilt (including plea of guilty or *nolo contendere*) or imposition of sentences, or both, by any judicial body charged with determining violations of federal or state criminal drug statutes.

Criminal Drug Statute: Any federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

Employee: any person having an employment relationship with the University, including but not limited to classified and unclassified staff, faculty, graduate assistants, and student employees.

Illicit Drug(s): Controlled substances, and analogs, extracts, and derivatives thereof, as defined by federal law, and controlled or regulated drugs as defined by state law, for which the user does not have a valid prescription to possess or use. For purposes of this policy, and pursuant to federal law, cannabis is a controlled substance regardless of whether an individual is a “registered patient” under Vermont’s Therapeutic Use of Cannabis (“Medical Marijuana”) law (18 V.S.A. Chapter 86 Subchapter 2), and use or possession thereof on University Property or at University Activities is strictly prohibited.

Illicit Use: Use of a controlled substance for which an individual does not have a valid prescription or misuse of a validly prescribed controlled substance.

Medical Marijuana: Cannabis for which the user is a Registered Patient under Vermont law (18 V.S.A. Chapter 86 Subchapter 2). Pursuant to federal law, possession and use is strictly prohibited on University property and at University activities.

Possession: is determined by control over a substance or object with or without regard to ownership.

University Activity: means any act or event sponsored or organized by the University, including its constituent administrative and academic units and recognized student organizations. Without limitation, “activities” shall include all intercollegiate and intramural athletic events, faculty, staff and student meetings, conferences, field trips, retreats and all other acts or events for which the University of Vermont (including student organizations) pays expenses, or provides facilities, services, supplies or transportation.

University Property: any property owned, leased or operated by the University, including any motorized vehicle or watercraft.

Workplace: University property or any other location where an employee is being paid to engage in University business or a University activity.

Procedures

Refer to Policy Elaboration and, where applicable, to relevant provisions of any governing collective bargaining agreement.

Forms

None

Contacts

Questions related to the daily operational interpretation of this policy should be directed to:

- For supervisors and managers with questions concerning applicability and enforcement of this policy:
UVM Labor and Employee Relations (802) 656-3150 or email uvmler@uvm.edu.
- For referral for services or awareness and prevention programs:
Employee Assistance Program (866) 660-9533
<http://www.uvm.edu/hrs/?Page=healthy/wellness.html>

The Vice President for Human Resources, Diversity, and Multicultural Affairs is the official responsible for the administration and interpretation of this policy.

Related Documents/Policies

Alcohol Policy – Faculty and Staff

http://www.uvm.edu/~uvmppg/ppg/general_html/alcohol_employees.pdf

Alcohol, Cannabis and Other Drug Use - Students Policy

<http://www.uvm.edu/~uvmppg/ppg/student/drugandalco.pdf>

Commercial Driver and Coast Guard Employee Testing for Alcohol and Controlled Substances

<http://www.uvm.edu/~uvmppg/ppg/riskmgm/comdriver.pdf>

Driver Safety and Motor Vehicle Use

<http://www.uvm.edu/policies/riskmgm/driversafety.pdf>

Effective Date

Approved by the President July 5, 2018