



## POLICY

**Title:** Alcohol, Cannabis, Tobacco, and Other Drug Use - Faculty and Staff

### 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, as well as attendant state laws. It is the policy of the University to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of Illicit Drugs, including Cannabis, by UVM employees both on and off campus. The misuse and abuse of Alcohol, the use of Tobacco on University Property, 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, Tobacco, Illicit Drugs, including Cannabis, and the Illicit Use of Controlled Substances, and seeks to make its employees aware of the dangers of substance abuse as well as the availability of 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, Tobacco, 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.

## Definitions

- Alcohol:** any beverage containing more than 0.5% ethyl alcohol by weight.
- Cannabis:** the parts, products, and non-Hemp 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.
- Drug Paraphernalia:** any equipment, products, devices, or materials of any kind which are used, or promoted or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body Illicit Drugs. Items such as rolling paper, wraps, grinders, pipes, carburetion devices, bongs, hookahs, vaping devices, empty pods or cartridges, roach clips, miniature spoons, grow lights, and scales are examples of Drug Paraphernalia. Drug Paraphernalia does not include needles and syringes distributed or possessed as part of an organized community-based needle exchange program.
- Employee:** any person having an employment relationship with the University, including but not limited to classified and unclassified staff, faculty, graduate assistants, temporary employees, and student employees.
- Hemp:** The plant Cannabis sativa L. and any part of the plant with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent by dry weight.
- 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.

<u>Medical Marijuana:</u>	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.
<u>Possession:</u>	Control over a substance or object with or without regard to ownership.
<u>Tobacco:</u>	a state controlled and regulated drug, as defined by 7 V.S.A. § 101 and this Policy, defined as follows:  <u>Tobacco Products</u> include cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and other tobacco products;  <u>Tobacco Substitutes</u> include nicotine pods and juices, electronic cigarettes or other electronic or battery-powered devices that contain and are designed to deliver nicotine or other substances into the body through the inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.  <u>Tobacco Paraphernalia</u> includes any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, grinders, pipes, water pipes, carburetion devices, bongs, hookahs, vaping devices, and empty pods or cartridges.
<u>University Activity:</u>	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 classes (credit or non-credit), 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.
<u>University Property:</u>	any property owned, leased or operated by the University, including any motorized vehicle or watercraft.
<u>Workplace:</u>	University Property or any other location where an employee is being paid to engage in University business or a University Activity.

## Procedures

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.

Consistent with the University's Tobacco Free Policy, possession or use of Tobacco is strictly prohibited on University Property, regardless of age. Possession and use of Tobacco by individuals under the age of 21 is further prohibited by state law.

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, Tobacco, and other Illicit Drugs, including associated Drug Paraphernalia, possessed or consumed in violation of this policy are subject to confiscation and destruction.

### **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:

1. Alcohol
  - a. Possessing or consuming Alcohol if under the age of 21 in the United States or under the legal age of consumption according to the laws of a foreign host-country.
  - b. Consuming Alcohol except as otherwise permitted in this or other University policies.
  - c. Purchasing or furnishing Alcohol for or to an underage person, or enabling an underage person to purchase, access, or consume the same.
  - d. Creating, offering, or engaging in drinking games and other behaviors that encourage intoxication.
  - e. Being intoxicated or being impaired by alcohol to the point that it interferes with the ability of an employee to perform their job.
2. Illicit Drugs and Use of Controlled Substances, Other than Tobacco
  - a. Possession or use of Illicit Drugs, including Cannabis, as defined by federal, state, and/or local statutes and this policy.
  - b. Illicit Use of a Controlled Substance, including possession or use of Medical Marijuana on University Property or at University Activities.
  - c. Distributing, selling, or possessing Illicit Drugs with the intent to distribute or sell, as defined by federal, state, or local statutes.
  - d. Possession or use of Drug Paraphernalia.
  - e. Performing work for the University while impaired by Illicit Drugs, including Cannabis, or Controlled Substances, when it interferes with an employee's ability to perform their job.
  - f. Growing and/or manufacturing any Illicit Drugs, including Cannabis, as defined by federal, state, or local statutes, and this Policy.
  - g. Purchasing or furnishing Cannabis, or other Illicit Drugs for or to an underage person, or enabling an underage person to purchase, access, or consume the same.
3. Tobacco (including Tobacco Products, Tobacco Substitutes, and Tobacco Paraphernalia)
  - a. Using Tobacco, which expressly includes Tobacco Products, Tobacco Substitutes, and Tobacco Paraphernalia, on University Property, regardless of age.
  - b. Purchasing or furnishing Tobacco, as defined herein, to a person under the age of 21, or enabling a person under the age of 21 to purchase, access, or consume Tobacco.

- c. Possessing Tobacco, as defined herein, if under the age of 21.

#### **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](#).
- 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 Illicit Drugs or Illicit Use of Controlled Substances may be obtained through the University's Employee Assistance Program.

#### **Health Risks Associated with Tobacco Use**

Cigarette smoking causes more than 480,000 deaths in the United States each year, including an estimated 42,000 deaths from exposure to secondhand smoke. Smokeless tobacco can lead to nicotine addiction and cause cancer of the mouth, esophagus and pancreas. (Source: Centers for Disease Control and Prevention). There has been an explosion in the use of E-cigarettes (electronic cigarettes) in our youth. E-cigarettes are not safe for youth, young adults, pregnant women, or adults who do not currently use tobacco products. E-cigarettes produce aerosolized nicotine and can also be used to deliver Cannabis and other drugs. Nicotine is highly addictive, toxic to developing fetuses and can harm brain development in adolescents and young adults. E-cigarette aerosol can contain harmful and potentially harmful substances. E-cigarettes can cause unintentional injuries due to fire, explosions and accidental ingestion of the liquid. (Source: Centers for Disease Control and Prevention).

#### **Notification of Arrests and Convictions**

Any employee who has been arrested for and/or convicted of an alcohol related offense or criminal drug statute violation must notify his/her immediate supervisor no later than five (5) days after the arrest or conviction.

If an employee is convicted of a criminal drug statute violation occurring in the workplace and is directly engaged in the performance of work pursuant to a covered federal contract or grant, the University will notify

the contracting agency within 10 days after receiving notice from the employee or otherwise receiving actual notice of a conviction.

**Sanctions**

- a. Any employee who violates this policy, or who is arrested or 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 possession and sale of Alcohol, Tobacco, and Illicit Drugs, as well as the Illicit Use of Controlled Substances, 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 see [Appendix A](#).

Contacts

<b>Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):</b>	
<b>Title(s)/Department(s):</b>	<b>Contact Information:</b>
UVM Labor and Employee Relations (For supervisors and managers with questions concerning applicability and enforcement of this policy)	(802) 656-3150 <a href="mailto:uvmler@uvm.edu">uvmler@uvm.edu</a>
Employee Assistance Program (For referral for services or awareness and prevention programs)	(802) 660-9533 <a href="https://www.uvm.edu/hrs/wellness">https://www.uvm.edu/hrs/wellness</a>

Forms/Flowcharts/Diagrams

- None

Related Documents/Policies

- [Alcohol, Cannabis, Tobacco, and Other Drug Use - Students Policy](#)
- [Alcohol Service and Consumption at University Activities –Faculty and Staff](#)
- [Commercial Driver and Coast Guard Employee Testing for Alcohol and Controlled Substances](#)
- [Driver Safety and Motor Vehicle Use](#)
- [Tobacco and Cannabis Free Policy](#)

## Regulatory References/Citations

- Drug-Free Workplace Act of 1990
- [Drug Free Schools and Communities Act of 1989](#)
- [Vermont's Therapeutic Use of Cannabis \("Medical Marijuana"\) law \(18 V.S.A. Chapter 86 Subchapter 2\)](#)
- Agricultural Marketing Act, 60 Stat. 1087 (7 U.S.C. 1621 et seq.)
- Controlled Substances Act, 84 Stat. 1236 (21 U.S.C. 801 et seq.)
- Drug Enforcement Administration, Schedule of Controlled Substances
- Vermont Possession and Control of Regulated Drugs, 18 V.S.A. Chapter 84, Subchapter 1
- Vermont Tobacco Products Law, 7 V.S.A. Chapter 40

## Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

## About This Policy

<b>Responsible Official:</b>	Vice President for Finance and Administration	<b>Approval Authority:</b>	President
<b>Policy Number:</b>	V. 4.20.2	<b>Effective Date:</b>	July 2, 2018
<b>Revision History:</b>	<ul style="list-style-type: none"><li>• V. 7.2.1/ V. 3.0.9.1. Drug-Free Workplace approved October 26, 2009</li><li>• November 1, 2019</li><li>• Responsible official officially changed from the Vice President for Human Resources, Diversity and Multicultural Affairs to the Vice President for Finance and Treasurer May 1, 2020</li></ul>		