

DEPAUL UNIVERSITY



Drug-Free Workplace and Legal Drinking Age Compliance

Category: Human Resources

Responsible Department: Employee Engagement & Equal Employment Opportunity

Responsible Officer: Vice President, Human Resources

Effective Date: 2/9/2017

Policy Summary

Institutions receiving federal financial assistance are required to develop and distribute to faculty, staff, students, and others, a public statement certifying compliance with the *Drug Free Workplace Act* and the *Drug Free Schools and Communities Act*.

The State of Illinois prohibits the sale, use, or possession, of alcoholic beverages by persons who are under 21 years of age.

This policy states DePaul's commitment to maintain a drug free workplace and restrict the consumption of alcohol at university events, including classes, to persons 21 years or older.

Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty
- Student Employees

This policy affects all members of the above groups.

Policy

As an institution receiving federal financial assistance, DePaul University distributes to faculty, staff, students, and others this public policy statement certifying its compliance with the *Drug Free Workplace Act* and the *Drug Free Schools and Communities Act*.

The State of Illinois prohibits the sale, use, distribution, manufacture or possession of alcoholic beverages by persons who are under 21 years of age. Alcohol may be served to those of legal age at university events, including classes. Event sponsors are responsible for having adequate control measures in place to ensure (1) that persons under 21 years of age are not served alcohol and (2) that persons who are obviously intoxicated are not served alcohol (e.g., hiring a professional bartender to serve alcohol, security, presence of university representative, method of age identification and monitoring of the event, etc.). Depending on the location and type of event, event sponsors should also consult the [Catering Services Exclusivity](#) policy and [Catering Donations](#) policy, as well as the Alcohol policy in the [Code of Student Responsibility](#) and alcohol policies set forth by [Residential Education](#). The responsibility for compliance with these requirements and all requirements in any other relevant policies related to serving alcohol at university events rests with the event sponsors.

The unlawful possession, use, distribution, sale, or manufacture of any controlled substances prohibited by State law, federal law, or other applicable law is prohibited on any premises owned or controlled by DePaul University. The university also prohibits the unlawful possession, use, distribution, sale, or manufacture of any related drug paraphernalia in violation of State law, federal law, or any other applicable law on any premises owned or controlled by DePaul University.

Effective January 1, 2020, Illinois state law permits the limited possession and use of cannabis. However, using or possessing cannabis remains a crime under federal law. In addition, other federal laws, such as the Safe and Drug Free Schools and Communities Act and the Drug-Free Workplace Act, prohibit cannabis in the workplace and on campus. Therefore, in accordance with federal law, DePaul University prohibits the use and possession of cannabis on any premises owned or controlled by DePaul University.

The unlawful possession, use, distribution, sale, or manufacture of alcohol by or to minors is prohibited on any premises owned or controlled by DePaul University.

Compliance with this policy is a condition of continued employment. Violation of this policy may subject employees to disciplinary action, up to and including termination. (See the [Progressive Discipline](#) policy and the [Faculty Handbook](#) for information on staff and faculty discipline and termination procedures and policies.)

Students should also consult the Alcohol policy and the Illegal Use or Possession of Drugs or Controlled Substances policy in the [Code of Student Responsibility](#).

Employee Alcohol and Drug Abuse:

Employees are expected to report to work fit for duty and free of any adverse effects alcohol or drugs prohibited by State law, federal law, or any other applicable law. Illegal drug use or alcohol use that could jeopardize the safety of other employees, the public, or university property may subject employees to disciplinary action, up to and including termination. Managers should consult with Human Resources and/or the applicable Dean before taking any action based on possible alcohol or drug use in violation of this policy or law. (Human Resources will consult the [Progressive Discipline](#) policy for staff and Deans will consult the [Faculty Handbook](#) for faculty for information on discipline and termination procedures and policies.)

The University will assist and support employees who voluntarily seek help for alcohol or drug related problems before becoming subject to discipline and/or termination. Employees may also be required to participate in, and complete, an alcohol or drug abuse assistance/rehabilitation program as a condition for continued employment. Employees in these situations may be allowed to use accrued paid time off, be placed on a leave of absence, or be otherwise accommodated as required by law.

Prescribed medications:

This policy does not prohibit employees from the lawful use and possession of prescribed medications, but only to the extent that it does not impair job performance or threaten safety, health, security, or property. Employees must consult with their physician about the medication's effect on their fitness for duty and ability to work safely and must promptly disclose any work restrictions to their manager who will consult with the Human Resource department about how to proceed. Note that this step should not result in a violation of privacy practices as there is no intention to disclose a medical condition, or medication, but rather obtain a physician-determined work limitation or restriction.

Procedures

1. Employee Assistance Program (EAP)

DePaul University encourages any employee who has a drug or alcohol problem or a related difficulty, either on or off campus, to seek help through the university's Employee Assistance Program (EAP). The EAP provides confidential referrals to drug or alcohol treatment programs and counseling. Employees may also be allowed to use accrued paid time off, be placed on a leave of absence, or be otherwise accommodated as required by law.

2. Legal Sanctions

State and federal law prohibit the sale, manufacture, possession, use, or distribution, of illegal drugs. Use of alcohol by persons under 21 years of age is illegal under state law. Violations of state or federal law may result in arrest and conviction on charges of misdemeanor or felony offense. Penalties for conviction under state and federal law include incarceration and fines. Property used in connection with illegal drugs may be confiscated.

An employee must notify the following people of any criminal drug statute conviction for a violation occurring **in the workplace** within five (5) days of the conviction:

- **Staff members:** his/her manager and either an Employee Engagement & Equal Employment Opportunity Representative or the Vice President of Human Resources
- **Faculty members:** his/her manager (appropriate department chair or dean) and either an Employee Engagement & Equal Employment Opportunity Representative or the Vice President for Human Resources
- **Student employees:** his/her manager and Director or Assistant Director(s) for Student Employment.

Federal grants may be denied to those convicted for a violation of a criminal drug statute. If a person working on a federal grant or contract is convicted, the Employee Engagement & Equal Employment Opportunity Representative is required by law to inform the university's Office of Sponsored Programs and Research who must notify the applicable federal agency within ten (10) days of notification of the conviction.

3. **Drug-Free Awareness Program**

The illicit use of drugs can: seriously injure the health of employees; adversely impair the discharge of their responsibilities; endanger the safety and well-being of fellow employees, students and the general public; and, generally detract from the productivity and good of the university. The use of drugs can also have a substantial and detrimental effect on health. These effects are often permanent and can lead to severe physical and psychological impairment, disability, and premature death.

DePaul University has a comprehensive drug-free awareness program to inform employees and students about the dangers of drug use and assist them in obtaining counseling and treatment. This program includes:

- a. Informing employees of the university's policy of maintaining a drug-free workplace through distribution of the Drug Free Workplace compliance policy to all employees.
- b. Requiring all employees, as a condition of employment, to agree to abide by the Drug Free Workplace policies.
- c. Other programs and publications as needed.

Divisional Collaborations

Student Affairs

Contact Information

Office of Human Resources

14 East Jackson Boulevard
13th Floor
Chicago, Illinois 60604

(312) 362-8500

Appendices

None

History/Revisions

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