

Title: Drug and Alcohol Policies -- Drug-Free Workplace
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Introduction

The Drug-Free Workplace Act of 1988 (Public Law 100-690) was signed into law by President Reagan on November 18, 1988, and the final rule became effective on July 24, 1990. A component of the omnibus Anti-Drug Abuse Act of 1988, the Drug-Free Workplace Act enlists federal contract and grant recipients in the battle against unlawful drugs by requiring employers who contract with, or receive grants from, federal agencies to certify that they will meet certain requirements for providing a drug-free workplace, and, in the case of grantees who are individuals, by requiring each individual to certify that his or her conduct of grant activity will be drug-free. Making the certification is a prerequisite to receiving a contract or grant from a federal agency. All grantees who fail to meet the drug-free workplace requirements may lose current funding and/or become ineligible to receive further contracts or grants.

Contracts with a value of \$25,000 or more are subject to the requirements of the Act, as are all grants, regardless of the dollar amount. Subcontracts and subgrants do not fall within the scope of coverage of the Act. Grantees are not required to make a certification in order to continue receiving funds under a grant awarded before March 18, 1989, or under a no-cost time extension of such a grant. However, the grantee shall make a one-time drug-free workplace certification for a nonautomatic continuation of such a grant made on or after March 18, 1989.

Basically, compliance with the Drug-Free Workplace Act requires employers who contract with, or receive grants from, federal agencies to do four things: a) implement and circulate a drug-abuse policy; b) establish a drug-free awareness program; c) take certain steps to identify and deal with employees who are convicted of drug-related, workplace-related crimes; and d) certify to the federal agencies that they will maintain a drug-free workplace by instituting requirements (a) through (c). The Drug-Free Workplace Act also requires grantees who are individuals to certify to the federal agencies that they will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with the grant. The U.S. Department of Education has interpreted the Act to include Pell grant recipients; each student who receives a Pell grant is considered to be an individual grantee, and is required to complete a drug-free certification prior to award. The general policies and procedures that follow have been formulated to facilitate implementation of the Drug-Free Workplace Act at Boston College.

Definitions

A **controlled substance** is a substance covered by federal law (Schedules I through V of the Controlled Substances Act, 21 U.S.C. 812 and 21 CFR 1308.11 through 1308.15). This includes all drugs and pharmaceuticals for which a license or prescription is required in order for a person to possess, use, sell, distribute, or manufacture the substance. Virtually all prescription drugs, as well as "illegal" drugs (marijuana, heroin, cocaine, etc.), are controlled substances covered by the Act. For purposes of this policy, "controlled substances" refers to both illegal drugs and prescription drugs taken in nontherapeutic doses.

Employees engaged in the performance of work under a federal contract or grant include all "direct charge" employees (i.e., those whose services are directly and explicitly paid for by grant funds) and "indirect charge" employees (i.e., those members of the grantee's

organization who perform support or overhead functions related to the grant and for which the federal government pays its share of expenses under the grant program). Among indirect charge employees, those whose impact or involvement is insignificant to the performance of the grant are exempted from coverage. Any other person who is on the grantee's payroll and works in any activity under the grant, even if not paid from grant funds, is also considered to be a covered employee (e.g., temporary personnel and consultants who are directly engaged in the performance of work under a grant and who are on the grantee's payroll). This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Policy

Boston College complies with the requirements of the Drug-Free Workplace Act of 1988. As a recipient of federal contracts and grants, the University certifies to all funding agencies that it provides a drug-free workplace by complying with the seven statutory requirements stipulated in the law as follows:

1. Boston College publishes and disseminates annually a statement to all students, faculty, and staff, regardless of federal funding status, notifying them that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions. Please see the **Drug-Free Workplace** section of [EXHIBIT A](#), DRUG-FREE CAMPUS AND WORKPLACE PROGRAM, for the text of the statement.
2. Boston College continues to support the drug-free awareness program currently offered through the Faculty/Staff Assistance Program. This ongoing program makes every reasonable effort to ensure that all University employees are aware of issues concerning drug use/abuse in the workplace. To this end, the program offers education and training to inform employees about: a) the dangers of drug abuse in the workplace; b) the University's policy of maintaining a drug-free workplace and employee responsibility related thereto; c) the availability of professional drug abuse counseling, consultation, and referral; and d) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. Employees of the University who have concerns about substance abuse or dependency are encouraged to utilize the resources of the Faculty/Staff Assistance Program. This service is confidential.
3. Boston College ensures that each employee engaged in the performance of work under a federal contract or grant is given a copy of the policy statement required in paragraph (1). It is the responsibility of the Office for Sponsored Programs to ensure that all new employees engaged in the performance of work under a federal contract or grant are given a copy of the policy by the grant's Principal Investigator upon employment.
4. Boston College notifies all concerned employees in the policy statement required in paragraph (1) that, as a condition of employment under the contract or grant, the employees are to a) abide by the terms of the policy statement, and b) notify the Office of Human Resources, in writing, of any drug-related criminal convictions for a violation occurring in the workplace no later than five (5) calendar days following conviction.
5. Boston College will notify the concerned federal funding agency, in writing, within ten (10) calendar days after receiving notice whenever an employee engaged in the performance of work under a contract or grant is convicted of a drug-related, workplace-related crime.

An individual grantee convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity is to report the conviction, in writing, within ten (10) calendar days of the conviction, to his or her federal agency officer, or other designee, unless the federal agency has designated a central point for the receipt of such notices.

A Pell grant recipient convicted of a criminal drug offense resulting from a violation occurring during the period of enrollment covered by the Pell grant must report the conviction, in writing, within ten (10) calendar days of the conviction, to the Director, Grants and Contracts Service, U.S. Department of Education.

6. Boston College will take one of the following actions within thirty (30) calendar days of receiving notice that an employee engaged in the performance of work under a contract or grant is convicted of a drug-related, workplace-related crime:
 - (a) Disciplinary action up to and including termination, **or**
 - (b) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- 7.
8. Boston College makes a good faith effort to maintain a drug-free workplace by its continued adherence to the statutory requirements listed in paragraphs (1) through (6) above.

Procedures

The Office for Sponsored Programs will be responsible for completing and filing the required certification statement that is to accompany each contract and grant proposal submitted to a federal agency, and for overseeing the process whereby individual recipients of certain grants complete and file a drug-free certification following award of the grant. The Office of Financial Aid is responsible for ensuring that the annual drug-free certification required by the U. S. Department of Education is signed by the University's authorized representative and filed each year, and for overseeing the process whereby Pell grant recipients are required to complete and file a drug-free certification prior to award of the grant.

The DRUG-FREE CAMPUS AND WORKPLACE PROGRAM is to be distributed annually to each student by the Vice President for Student Affairs, and to each faculty and staff member by the Vice President for Human Resources. All new employees will be given a copy of the PROGRAM during benefits orientation in the Office of Human Resources. Employees, including work-study and nonwork-study students, engaged in the performance of work under a contract or grant who do not undergo benefits orientation will be given, upon employment, a copy of the PROGRAM by the Principal Investigator of the contract or grant. The DRUG-FREE CAMPUS AND WORKPLACE PROGRAM ([EXHIBIT A](#)) and related University policies (1-300-020, Drug-Free Workplace; [1-300-025](#), Drug-Free Schools and Campuses; and [1-300-050](#), Use of Alcohol at Boston College), are to be referenced in the appropriate sections of the STUDENT GUIDE, the FACULTY HANDBOOK, and the EMPLOYEE HANDBOOK.

The Office of Human Resources, when notified of a drug-related criminal conviction for a violation occurring in the workplace, will report the notification to the Office for Sponsored Programs. This office will be responsible for reporting the conviction, in writing, within ten (10) calendar days to the concerned federal funding agency.

The Office of Human Resources will be responsible for ensuring that the required sanctions against employees convicted of drug-related, workplace-related crimes are carried out within

thirty (30) calendar days of receipt of notice. The Office of Human Resources will also be responsible for determining the exact nature of the sanction.

The Faculty/Staff Assistance Program will continue to publish its offerings on annual and monthly bases, listing among them its drug-free awareness program.

The Office of Human Resources will have overall responsibility for implementing, monitoring, and enforcing the provisions of this policy. The Office for Sponsored Programs will be responsible for implementing, monitoring, and enforcing specific procedures as stipulated by the policy.

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