



DRUG AND ALCOHOL FREE WORK PLACE POLICY

Responsible Office:	Human Resources	Effective Date:	November 1, 2013
Responsible Official:	Assoc VP, Human Resources	Last Revision:	September 1, 2012

As the recipient of federal grants and contracts, Fairleigh Dickinson is required to comply with the Drug-Free Workplace Act of 1988. This Policy applies to all persons employed by the University, or working on behalf of the University: Faculty, Staff and Students, whether full-time, part-time, permanent or temporary employees, contractors, volunteers and interns.

Research shows that substance abusers in the workplace are late and absent more often than non-abusing co-workers and subject to more accidents, often involving fellow employees. Substance abusers are less effective in their jobs and sometimes steal from their employer to support their addictions. They damage their own and their employer's reputations and can involve their employers in lawsuits.

No organization is immune from the difficulties created by substance abuse. Therefore, we have established this Policy and will take the necessary steps to maintain a drug and alcohol-free workplace, inform our employees annually of the dangers of substance abuse, standards of conduct, health risks and legal sanctions, and make available information on the sources of drug and alcohol counseling. Ignoring the situation, or failing to establish effective counter-measures, would be unfair to valued employees and students.

Fairleigh Dickinson University is committed to protecting the safety, health and well being of all employees and individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol-free and drug-free environment.

The University is committed to periodic reviews of this policy, at least bi-annually, to determine its effectiveness and assure that disciplinary actions are consistently enforced. Accordingly, we are also committed to maintaining, as prescribed by Federal regulation, records reasonably related to compliance with this policy.

Covered Substances:

The following substances are covered by this Policy:

- Alcoholic beverages of any kind;

- Controlled substances and illegal drugs, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs; the use, possession, or transfer of which is restricted or prohibited by law.

Use, sale, manufacture, distribution, possession, dispensation, receipt or transportation of any Controlled Substance (which includes both controlled substances as regulated by the US Government and controlled dangerous substances regulated by the State of New Jersey) or illegal drugs while on University property or conducting University business is strictly prohibited.

Drugs prescribed by a physician, dentist or other persons licensed by the State or Federal Government to prescribe or dispense Controlled Substances are not subject to the restrictions of this Policy, provided they are used in accordance with their instructions.

In order to protect our employees, our students and the University's reputation and integrity, Fairleigh Dickinson University has identified certain Prohibited Activities that will not be tolerated. Engaging in any of the Prohibited Activities is considered gross misconduct, and could lead to disciplinary action, up to and including immediate dismissal. The policy describes these activities and possible consequences for all full, part-time and temporary employees, including students functioning in work assignments.

Prohibited Activities:

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The following activities are prohibited while an employee is on University premises or is conducting University business.

- The manufacture, use, sale, distribution, possession, dispensation, receipt or transportation of any Controlled Substance or illegal drug;
- The consumption of alcoholic beverages, except where authorized or in accordance with University policy. Note, however, that excessive consumption rendering one under the influence of alcohol is deemed a Prohibited Activity.
- Being under the influence of alcohol, illegal drugs, or controlled substances during business hours, whether or not consumed on University premises and whether or not consumed during working hours.

An employee is considered under the influence when he or she is affected by alcohol, drugs or Controlled Substances in any detectable manner, or when the amount of alcohol, illegal drugs or Controlled Substances consumed interferes with the employee's ability to efficiently and satisfactorily perform assigned tasks and/or renders the employee a risk to others and/or to the interests of the University.

While the University is not in the business of policing the private lives of its employees, and although not occurring on University premises, the following actions are considered to endanger the University's reputation for honesty and integrity.

- Arrest or conviction of criminal offenses relating to the unlawful manufacture, use, sale, possession, distribution, dispensation, receipt or transportation of any Controlled Substances or illegal drugs;
- Any other actions involving alcohol, drugs, or Controlled Substances that, in the opinion of the University, endanger its reputation for honesty and integrity.

An employee convicted of a criminal drug violation in the workplace is required, and has the sole responsibility, to notify the University's Human Resources department of such conviction. This notification must be made in writing within five (5) calendar days of the conviction.

Disciplinary Actions

Compliance with this Policy is a condition of employment with the University.

An employee who engages in a Prohibited Activity is deemed to have engaged in gross misconduct and is subject to disciplinary action, up to and including immediate dismissal.

An employee who engages in the above listed actions considered to endanger the University's reputation for honesty and integrity is subject to disciplinary action, up to and including immediate dismissal.

Any employee, who is convicted of a criminal drug violation in the workplace, will be subject to appropriate action by the University within 30 calendar days. The University's options include (1) taking appropriate personnel action against employee up to and including termination, or (2) requiring the employee's satisfactory participation in a drug abuse assistance or rehabilitation program selected by the University.

In considering whether and how to discipline employees in violation of this Policy, the University will comply with relevant Federal and State laws and regulations that address the adverse employment use of arrest and conviction information.

The University reserves the right, however, to independently investigate all such employee violations of its policy and determine appropriate sanctions.

Employee Assistance

Please be advised that employees in need of substance abuse assistance and/or treatment have the following resources available:

Bergen County Addiction Recovery Program (ARP) (201) 261-3582
Morristown Memorial Hospital Atlantic Behavioral Health (888) 247-1400

Employees who are covered under the University's medical policy, and are in need of substance abuse assistance and/or treatment, have resources available as follows:

United Behavioral Health – 877-481-9032 or 800-582-8220
EAP – Care 24 – 888-887-4114
Health Advocate – 866-695-8622

State and Federal Legal Sanctions Concerning Drugs and Alcohol

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs (“controlled substances”) [Controlled Substances Act 21 U.S.C. Sections 841, 843 [b], 844, 845, 846 (1988)]. The following is a list of the punishments prescribed for each crime/offense:

Crime/Offense	Jail Time	Fine (\$)
1st-degree Crime	10–20 years	max. \$100,000.00
2nd-degree Crime	10 years	max. \$100,000.00
3rd-degree Crime	5 years	max. \$7,500.00
4th-degree Crime	up to 18 months	max. \$7,500.00
Disorderly Persons (offense)	up to 6 months	max. \$1,000.00
Petty Disorderly (offense)	up to 30 days	max. \$500.00

Controlled Substances/Controlled Dangerous Substances

For purposes of this policy the New Jersey classification controlled dangerous substances (CDS) are classified into five different schedules (I–V):

Schedule I

- Opiates (Dimepheptanol, Hydroxypethidine, Normethadone)
- Narcotics (Acetylcodeine, Bensylmorphine, Heroin, Morphine, Nicocodeine)
- Hallucinogenic (LSD, Marijuana, Mescaline, Peyote, Psilocybin)

Schedule II

- Oxycodone (Percodan)
- Fentanyl (Sublimaze)
- Methadone (Dolophine)
- Meperidine (Demerol)

Schedule III

- Amphetamine (Biphetamine)

- Phenmetrazine
- Glutethimide (Doriden)
- Phencyclidine

Schedule IV

- Barbitol
- Meprobamate (Equanil, Miltown)
- Chloral hydrate
- Phenobarbital (Donnatal, Bellergal)

Schedule V

- Codeine
- Codeine Phosphate (Robitussin)
- Diphenoxylate (Lomotil)

New Jersey Laws Criminal Statutes

I.2C:35-3 Leader of a Narcotic Trafficking Network

- Conspires with others as an:
organizer (or) financier, supervisor (or) manager
- To manufacture or distribute:
Methamphetamine, Lysergic Acid Diethylamide, Phencyclidine
Any CDS in Schedule I or II
— *First-degree Crime (Life Term)*

II.2C:35-4 Maintaining or Operating a CDS Production Facility

- Knowingly maintains or operates a premise used to manufacture:
Methamphetamine, Lysergic Acid Diethylamide
Any CDS in Schedule I or II
— *First-degree Crime*

III.2C:35-5 Manufacturing, Distributing or Unlawfully Dispensing Controlled Dangerous Substances

- Knowingly or purposely:
Manufactures, distributes or dispenses (or possesses with intent to dispense) a CDS (or analog); or
creates, distributes or possesses (or possesses with intent to distribute) any counterfeit CDS.
Possession with intent to distribute.
— *Degree of crime dependent on drug and amount involved*

IV.2C:35-5.1 Distribution, Manufacture or Possession with Intent to Distribute Anabolic Steroids

— *Third-degree Crime*

V.2C:35-6 Employing a Juvenile in a Drug Distribution Scheme

- Any person 18 years of age who knowingly uses, solicits, directs, hires or employs
— *Second-degree Crime*

VI.2C:35-7 Distribution or Possession with Intent to Distribute a CDS Within 1,000 Feet of School Property or School Bus

- Violates 2C:35-5 within 1,000 feet of school property or school bus

- *Third-degree Crime — three-year minimum*
- *Marijuana less than one ounce — one-year — minimum*

VII.2C:35-8 Distribution to Person Under 18 or Pregnant Female

- *Twice the term of imprisonment*
- *Twice the fines*
- *Twice the term of parole ineligibility*

VIII.2C:35-9 Strict Liability for Drug-induced Deaths

- Any person who manufactures, distributes or dispenses Methamphetamine, Lysergic Acid Diethylamide, Phencyclidine or any other Schedule I or II or controlled analog thereof
 - Is strictly liable for a death that results from injection, inhalation or ingestion of that substance
- *First-degree Crime*

IX.2C:35-10 Possession, Use or Being Under the Influence

- *Violation of this section by a person while on any property used for school purposes, or within 1,000 feet of any school property, school bus or on any school bus, who is not sentenced to a term of imprisonment, shall be required to serve not less than 100 hours of community service.*
- *Degree of crime dependent on drug and amount involved.*

X.2C:35-11 Imitation CDS

- Distribution, possession, manufacturing, etc.
- *Third-degree Crime*

Drug Paraphernalia

XI.2C:36-1 Drug Paraphernalia Defined:

- All equipment, material and products of any kind, used or intended for use in planting, growing or harvesting, manufacturing, compounding, testing, preparing or introducing a CDS into the human body.
- Drug paraphernalia includes kits, scales, balances, dilutants, adulterants, sifters, blenders, grinders, spoons, capsules, balloons, envelopes, water paper, roach clips, ceramic pipes and chillers.

XII.2C:36-2 Use or Possession of Drug Paraphernalia with Intent to Use

- *Disorderly Persons Offense*

XIII.2C:36-3 Distribute, Dispense or Possession of Drug Paraphernalia with Intent to Distribute or Manufacture

- *Fourth-degree Crime*

XIV.2C:36-4 Advertising to Promote Sale of Drug Paraphernalia

- *Fourth-degree Crime*

XV.2C:36-5 Delivering Drug Paraphernalia to Person Under 18 Years of Age

- *Third-degree Crime*

XVI.2C:36-6 Possession or Distribution of Hypodermic Syringe

- *Disorderly Persons Offense*

Anabolic Steroids

It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, an anabolic steroid, unless the substance was obtained directly or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his or her professional practice. Any person who violates this section is guilty of a crime of the fourth degree.