

General Policy - Drug-Free Workplace

Philosophy:

Bismarck State College has a genuine caring concern for the community in which it lives and for its people. For this reason, the college is committed to maintaining an academic and social environment conducive to the intellectual and personal development and to the safety and welfare of all members of the college community.

Bismarck State College recognizes the serious problems created by the use and abuse of alcohol and drugs. In response to this awareness, BSC has an alcohol and drug prevention program and is committed to:

1. Establishing and enforcing clear policies and regulations regarding the use of alcohol and drugs.
2. Educating employees about the dangers and health risks associated with the use of alcohol and drugs.
3. Conducting programming each year to provide activities, workshops, and events promoting a healthy lifestyle and environment.
4. Providing resources through counseling and referral services for employees.

Policy:

It is the policy of Bismarck State College that the legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger themselves or other individuals in the workplace.

It is the policy of Bismarck State College that the unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance in the workplace or when representing BSC in a working capacity off campus is prohibited. Responsible use of alcohol at BSC related social events (i.e., Alumni Dinner, Holiday Party, Bis-Man Chamber Mixer, etc.) or during designated social hours at conferences, seminars, etc. is exempt. (State Board of Higher Education SBHE Policy 918: Alcoholic Beverages.)

Enforcement:

1. A supervisor can require an employee to undergo alcohol or controlled substance testing if the supervisor has reason to believe that the employee is under the influence of alcohol or a controlled substance.
2. If the supervisor determines the employee should not operate a motor vehicle, the supervisor may arrange transportation for the employee. If the employee refuses to accept transportation and insists on operating a motor vehicle, the supervisor

will inform the employee that Campus Safety & Security or law enforcement officials will be notified immediately that the employee appears unfit to operate a motor vehicle.

3. An employee who suspects that a colleague or co-worker is under the influence of alcohol or illegal drugs should contact the employees' supervisor or the Chief Human Resources Officer immediately.
4. An employee who suspects that a supervisor or department head is under the influence of alcohol or illegal drugs should contact the next level of supervision or the Chief Human Resources Officer immediately.
5. Any employee who violates this policy is subject to discipline up to and including termination.

Terms and Conditions:

1. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures or uses a controlled substance while on the job or at a site at which the College's work is performed will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. paragraph 812. Such drugs include, but are not limited to heroin, marijuana, cocaine, PCP, methamphetamine, opium/opiate, etc.
3. Any use of illicit and/or misuse of prescription medications on College property or at College-Sponsored events is strictly prohibited. This includes the use or possession of marijuana, including recreational and medicinal uses.
4. This prohibition applies even if the Department of Public Health has issued a certificate of registration permitting the individual to possess an amount of marijuana for medical purposes, those with medical marijuana cards are not permitted to use or possess marijuana on campus.
5. Each employee is required to abide by this policy as a condition of employment and is further required to inform his or her supervisor within five days following any conviction for violation of any federal or state criminal drug statute where such violation occurred in the College's workplace.
6. A conviction means a finding of guilt (including a plea of guilty or of nolo contendere) or the imposition of a sentence by a judge or jury.
7. Bismarck State College is required to notify the U.S. government within ten days of receiving notice of a conviction. Therefore, all supervisors must notify the President of the College within 24 hours of receipt of notice from an employee of a conviction.

Health Risks of Alcohol and Other Substances of Abuse:

To find out more about these commonly abused agents and others substances of abuse not listed here go to the Drug Enforcement Administration – [justice.gov/dea/index.shtml](https://www.justice.gov/dea/index.shtml)

Hotline:

The National Drug Abuse Hotline is (1-800-662-HELP).

Referral Services:

Employees may utilize the referral services provided by the Employee Assistance Program. For further information on the EAP, contact the Human Resources Office.
<https://bismarckstate.edu/uploads/15/EAPInformationalBrochure.pdf>

Treatment:

Full-time employees will be allowed up to six weeks leave from work for treatment of drug and/or alcohol abuse.

BSC encourages employees to voluntarily seek help with drug and alcohol problems.

Reference:

Public Law 101-226
SBHE Policy 615: Drug Free Workplace
SBHE Policy 918: Alcoholic Beverages

History of This Policy:

First policy draft November 30, 1989.

Revised - April 30, 1990; August 6, 1997; April 17, 1998, March 24, 2003, March 7, 2005; November 29, 2010; reviewed by the Operations Council on June 13, 2012 and approved by the Executive Council on June 19, 2012; approved by President Skogen on August 1, 2012; November 6, 2012; reviewed and revised by the Operations Council on November 13, 2019 and approved by the Executive Council on December 3, 2019.