

	<b>FGCU POLICY 3.044</b>	<b>Responsible Unit:</b> Human Resources; Counseling and Psychological Services
	<b>Drug Free Environment</b>	

## A. POLICY STATEMENT

Florida Gulf Coast University is committed to providing a campus environment free from the abuse, illegal use, and possession of Controlled Substances. The unlawful manufacture, distribution, dispensing, possession, or use of a Controlled Substance or the unlawful possession and use of alcohol is prohibited in and on University Premises, or as any part of a University-sponsored program off-campus.

## B. REASON FOR POLICY

1. This Policy is to insure that all University employees and students understand that the University has a Drug-Free Environment Policy which complies with both the federal Drug-Free Schools and Communities Act Amendments of 1989 (which amends the Higher Education Act, implemented by the Drug Free Schools and Campuses Regulations) and the federal Drug-Free Workplace Act of 1988.
2. Under the Higher Education Act of 1965 (as amended by the Safe and Drug-Free Schools and Communities Act of 1994) as implemented by part 86 of the Education Department General Administrative Regulations (EDGAR), known as the Drug-Free School and Campuses Regulations, any institute of higher education receiving federal financial aid must adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. FGCU is required to distribute, and make available, information regarding the University's alcohol and drug policy, a description of applicable legal sanctions under local, state, and federal law, a description of the health risks associated with use of illicit drugs and abuse of alcohol, and information regarding alcohol and drug treatment services available for students and employees.
3. Under the federal Drug-Free Workplace Act of 1988, employees engaged in the performance of work under a grant or contract from a federal agency must notify the University of any Conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such Conviction, and the University must notify the federal agency of such Conviction within ten (10) calendar days after receiving such notice from an employee or otherwise receiving actual notice of such Conviction.

## C. APPLICABILITY AND/OR ACCOUNTABILITY

This Policy covers all faculty, staff, and students.

## D. DEFINITION OF TERMS

1. *Conviction*: A finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the federal or state criminal drug statutes.
2. *Controlled Substances*: Those substances included in Schedules I through V of section 202 of the Controlled Substances Act and as further defined by federal regulation at 21 CFR 1300.11 through 1300.15. The term does not include the use of a Controlled Substance pursuant to a valid prescription or other uses authorized by law.
3. *Premises*: All land, buildings, facilities, and other properties owned, used, leased, operated by, or in the possession of, the University or one of its direct support organizations.

## E. PROCEDURES

1. Drug and Alcohol Prevention Program

The University must have drug and alcohol abuse prevention programs for students and employees. Moreover, students and employees must receive materials annually that contain standards of conduct, a description of the various laws that apply in that jurisdiction regarding alcohol and drugs, a description of counseling and treatment programs that are available, and a statement on the sanctions the University will impose for violation of the standards of conduct. This Policy, along with an annual statement, will be provided to all employees and students. The following are available to all students:

- a. Prevention & Wellness Services (PWS) provides wellness programming, events, Peer Education, health promotion, online tools, and a free resource area in their lobby, which include brochures and other printed materials. They also cover a variety of wellness issues, including substance use and abuse issues.
- b. Student Health Services (SHS) has a wide array of educational materials and a medical staff to answer questions.
- c. Counseling and Psychological Services (CAPS) provides assessment and counseling intervention for students and consultation and referral for faculty and staff.
- d. Human Resources (HR) provides referrals to the Employee Assistance Program (EAP). EAP is available free of charge to employees and their families on a confidential basis, twenty-four (24) hours a day, seven (7) days a week. Employees who have a concern about drug or alcohol abuse are encouraged to contact the EAP for assistance in finding resources to help with the problem.

## 2. Special programs

Educational programs on drug awareness and substance abuse will be presented on a periodic basis to inform employees and students of the dangers of drug abuse in the workplace and promote a drug-free work and educational environment.

## 3. Employees working on federal contracts

In order to comply with the Federal Drug-Free Workplace Act, no later than five (5) calendar days following Conviction of any criminal drug statute violation occurring on the Premises, the University requires an employee working on a federal contract to notify his or her supervisor or other appropriate management representative of such Conviction. (See also FGCU Policy 3.037, Criminal Background Checks) The Associate Vice President for Research and Dean of Graduate Studies must notify any federal contracting agency within ten (10) calendar days of having received notice that an employee, engaged in the performance of any such contract or grant, has had a criminal drug statute Conviction for a violation occurring in the workplace.

## 4. Applicants for Employment

To comply with section 775.16, Florida Statutes, applicants for employment at Florida Gulf Coast University who have been convicted since 1990 of the sale or trafficking in, or conspiracy to sell or traffic in, a Controlled Substance listed under chapter 893, Florida Statutes, if such offense is a felony or if convicted under the laws of another state or country would be a felony if committed in Florida, are disqualified from employment unless such person has completed their sentence or met other statutory conditions. Those conditions include that, if the applicant is under supervisory sanctions, they may seek evaluation and enrollment in an approved drug treatment and rehabilitation program (unless they are deemed not to have a substance abuse problem) and that they submit to periodic urine drug testing.

## 5. Standards of Conduct – All Employees and Students

a. No employee or student is to report to work, class, or any University activity while under the influence (as defined by applicable statute) of illegal drugs or alcohol. Such conduct is subject to disciplinary action for misconduct. Any employee or student illegally manufacturing, distributing, dispensing, possessing, or using Controlled Substances at the workplace, on the University Premises, or as part of any of its activities is also subject to disciplinary action for misconduct.

### b. Violations of Standards of Conduct

1) In accordance with the FGCU Regulation 5.016, Disciplinary Actions, or a collective bargaining agreement, when an employee is found in violation of this policy, the University will take appropriate disciplinary action with any such

employee. Employees may be required to satisfactorily participate, at their expense, in a substance abuse or rehabilitation program before being allowed to return to work.

- 2) In accordance with FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process, when a student is found in violation of this Policy or the related provisions in the Student Code of Conduct, the Dean of Students, or designee, will take appropriate disciplinary action as provided therein.

*Related Information*

*FGCU Regulation 9.002, Use of Alcoholic Beverages on University Premises*

*Authority*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

*History of Policy*

*New 03/30/15; Amended Organization Change 11/01/17; Format Changed 09/10/19*

**APPROVED:**

\*/s/Wilson G. Bradshaw  
Wilson G. Bradshaw, President

March 30, 2015  
Date