

Title: Drug and Alcohol Free Work Place Policy

Purpose: The University of North Carolina at Asheville is committed to maintaining a workplace and an educational environment that is safe and free from the influence and abuse of drugs and alcohol. Please see also UNC Asheville's [Illegal Drugs on Campus](#) and [Consumption of Alcohol on Campus](#) policies.

Scope: The policy applies to all employees of the University.

The University does not differentiate between drug users and drug "pushers" or sellers or givers. Any employee who gives or in any way transfers or possesses a controlled substance or misuses alcohol (as defined below) while on the University campus, engaged in an official University activity or on official University business will be subject to this policy.

Policy: The University of North Carolina at Asheville is committed to maintaining a drug free workplace, and the University and its employees will abide by all requirements set forth under the Drug Free Workplace Act of 1988, 41 U.S.C. §§ 701 through 707. The University will not tolerate any drug or alcohol abuse in violation of this policy.

A violation of this policy occurs when an employee:

1. possesses, manufactures, distributes, dispenses or uses prohibited drugs while on campus, while engaging in official University activities, or on official University business;
2. is under the influence of prohibited drugs while on campus, while engaging in official University activities, or on official University business;
3. distributes prohibited drugs on or off the University's premises;
4. is charged and convicted of possessing, manufacturing, distributing, or being under the influence of prohibited drugs;
5. fails to report a conviction for a violation of a criminal drug statute occurring in the workplace to his or her supervisor within five (5) days of such conviction;
6. engages in the unauthorized possession, manufacture, distribution, sale, or use of alcohol, or is under the illicit influence of alcohol (as defined below) while on campus, while in engaging in official University activities, or on official University business.*

Any violation of this policy will result in disciplinary action, which may include written warning, suspension with or without pay, probation, or termination. The University may choose, in lieu of or in combination with disciplinary action, to require the employee to participate in a drug or alcohol abuse assistance or rehabilitation program.

**Note: For information on the use of alcohol during sanctioned events, please see UNC Asheville's [Consumption of Alcohol on Campus](#) policy for more information.*

Definitions: The term "criminal drug statute" means a Federal or state statute criminalizing the manufacture, distribution, dispensing, use or possession of a controlled substance.

The term “conviction” means a finding or plea of guilt, or a plea of *nolo contendere*, or imposition of sentence, by any judicial authority charged with the responsibility of determining or sentencing violations of the Federal or State criminal drug and alcoholic beverage statutes.

Prohibited drugs mean any controlled substances in schedules I through VI of Section 202 of the Controlled Substance Act (21 U. S. C. § 812) and other federal regulations and the North Carolina Controlled Substances Act presently codified as Article 5 of Chapter 90 of the North Carolina General Statutes. This includes, but is not limited to, heroin, marijuana, cocaine, PCP, “crack” and “legal drugs” which are not prescribed by a licensed professional authorized by law to prescribe drugs.

Illicit use of alcohol means (1) ingesting an amount sufficient to be considered under the influence as defined by N.C. General Statute § 20-138.1(a)(2); and (2) any use of alcohol by individuals under age 21.

Procedure: Employees are required by law to inform the supervisor after a conviction for violation of any Federal or State criminal drug statute where such violation occurred on the University campus or on official business or as a part of official University activity. This notification must be made within five (5) days of the conviction.

The Chancellor must notify the federal governmental agencies granting funds to the University within ten (10) days after receiving notice of the conviction.

A copy of this policy will be posted on the University Website and will be provided to all new employees. Additionally, all University employees will be reminded to review the policy annually.

Approved on: MM/DD/YYYY
Next review: MM/DD/YYYY