

ADMINISTRATIVE DIVISION HR Division of Human Resources
POLICY NUMBER HR 1.01
POLICY TITLE Drug-Free Workplace
SCOPE OF POLICY USC System
DATE OF REVISION April 12, 2021
RESPONSIBLE OFFICER Vice President for Human Resources
ADMINISTRATIVE OFFICE Division of Human Resources

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. THE UNIVERSITY OF SOUTH CAROLINA DIVISION OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

PURPOSE

This document sets forth the University of South Carolina policy prohibiting the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs, other controlled substances unless prescribed by a licensed medical practitioner, and alcohol on its property or as a part of any activities by faculty, staff and student employees regardless of status, pursuant to state and federal law. This policy is implemented in compliance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989 and the South Carolina Drug Free Workplace Act of 1990.

DEFINITIONS

Employee: Any person having an employment relationship with the university, regardless of the appointment type (e.g. classified, unclassified, full-time, part-time, temporary, student, intern).

Illegal Drug: Any illegal substance, including but not limited to narcotics, hallucinogens, cocaine, marijuana, and designer drugs, and any controlled substances, including but not limited to amphetamines and barbiturates, that are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a licensed physician. Any drug that is not legally obtainable or that has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by an individual other than the person for whom prescribed.

Workplace: Any location on university property, including all offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the university or by an employee on behalf of the university from any location from which an individual conducts university business.

POLICY STATEMENT

No employee shall report for duty or remain on duty under the influence of any illegal drugs, unauthorized prescription medication or alcohol.

Violation of this policy by academic employees, regardless of tenure status, will lead to disciplinary actions up to and including termination based upon the criteria in the Faculty Manual of the campus, and may have legal consequences.

Violation of this policy by staff employees will be cause for disciplinary actions up to and including termination, pursuant to university policy HR 1.39 Disciplinary Action and Termination for Cause and may have legal consequences.

Violation of this policy by student employees will lead to sanctions detailed in the Student Drug Policy of the campus.

Faculty, staff and students employed on a grant or contract are required to abide by the terms of this policy as a condition of employment on the grant or contract.

PROCEDURES

A copy of this policy will be made available to each new employee of the University of South Carolina at the time of their orientation and annually to all employees.

Grant or contract employees are required to notify the Vice President for Human Resources or the Campus Human Resources Office, as appropriate, of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction. Federal law requires the university to notify the granting or contracting agency of a criminal drug statute conviction in the workplace within 10 days of the date the university received notification. Therefore, upon receiving notice, the Vice President for Human Resources will notify the Vice President for Research so the notice requirement to the granting or contracting agency may be satisfied.

The University of South Carolina recognizes drug and/or alcohol dependence as a treatable illness. Employees are encouraged to seek assistance for drug and/or alcohol problems before there is an incident which would cause the university to impose sanctions. Assistance may be sought through the university's Employee Assistance Program (EAP) or other programs and/or treatment facilities licensed by the State of South Carolina or by the state in which the program and/or treatment facility is located.

A. Referrals to such programs may be self-referrals or supervisory referrals. If a supervisory referral

is made which includes satisfactory participation in a rehabilitation program as a condition of continued employment, the referral must be made through the Division of Human Resources or the Campus Human Resources Officer.

- B. Referrals and records of referrals will be handled with the same degree of confidentiality as for medical records.

The University of South Carolina has established a drug-free awareness program to inform employees about the dangers of alcohol and/or drug abuse in the workplace, available drug counseling, rehabilitation and employee assistance information and the penalties that may be imposed for alcohol and/or drug abuse violations.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

- Drug-Free Workplace Act of 1988
- Drug-Free Schools and Communities Act Amendments of 1989
- [South Carolina Drug Free Workplace Act of 1990](#)
- [HR 1.95 Drug and Alcohol Testing](#)
- [HR 1.39 Disciplinary Action and Termination for Cause](#)
- [STAF 3.02 Alcohol Policy and Guidelines for the University Community](#)
- [STAF 3.18 Drug Policy for University Students](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
April 12, 2021	Updated to new format to include definitions and related laws and policies. Policy reviewed for accuracy, no substantive changes required.