

Drug and Alcohol-Free University Community v020820

~~The university is a recipient of federal grants and contracts in excess of \$100,000 and is subject to the provisions of~~

PART 1: PURPOSE

~~This rule promotes a healthy and safe academic and work environment, addressing the responsible use of alcohol, and prohibiting Illegal Drugs on campus, consistent with Regents Policies 16.60 and 16.65, and applicable state and federal laws and regulations. More specifically, this rule reflects NMSU's commitment to compliance with the Drug-Free Workplace Act of 1988, the special Drug-Free Workforce rules promulgated by the Department of Defense, and the Drug Free Schools and Communities Act. The Board of Regents has directed the Chancellor to institute and maintain programs that meet the requirements of, and other applicable state or federal drug laws and alcohol regulations. These programs are administered through the Office of Human Resource Services.~~

PART 1: GENERAL POLICY PROHIBITING DRUGS **PART 2: DEFINITION OF ILLEGAL DRUG**

~~For the purpose of this rule, an Illegal Drug is any substance listed in Schedule I or II of the Controlled Substances Act, as defined by federal law [21 U.S.C. Sections 802(6) and 812], the possession of which is unlawful under federal law. The term "Illegal Drugs" does not include the use of a controlled substance pursuant to a valid prescription or other possession or uses authorized by law.~~

PART 3: DRUG AND ALCOHOL ON PROHIBITIONS AND RELATED NOTIFICATION

A. NMSU PROPERTY

~~strictly prohibits the use, possession, purchase, manufacture, or sale of Illegal Drugs on any property owned or under the control of NMSU and at NMSU sponsored events.~~

~~The unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities is prohibited and a violation of university policy. University property is defined as all lands and building under the control of the Board of Regents. It is a federal requirement and a university policy that, as a condition of employment, an employee will notify the immediate supervisor within 5 days after conviction of a criminal drug offense occurring in the workplace. Supervisors will inform the Office of Human Resource Services, through appropriate channels, of any notifications received.~~

PART 2: DISCIPLINARY SANCTIONS FOR EMPLOYEES

~~Employees who violate the university's alcohol or drug policies are subject to termination, demotion, or suspension. Additionally, employees may be required to report to the Employee Assistance Program for a clinical assessment and participate in a recommended counseling/rehabilitation program. When returned to work, the employee must comply with all university policies and maintain acceptable job performance or be subject to appropriate disciplinary action.~~

Scope: NMSU System

Source: ARP Chapter 16 | Safety and Risk Management

Rule Administrator: AVP Human Resource Services

Last Updated: 07/15/2008

Related

Cross-Reference:

Revision History:

2017 Recompilation, formerly Rule 3.40

07/15/2008 Adoption of amendment ratified by Board of Regents

07/08/2008 Amendment approved by Administrative Council

B. NMSU strictly regulates the lawful use of alcohol on NMSU Property. (ARP 16.60; ARP 18.81 Part 6; ARP 5.22) NMSU prohibits the use, possession, purchase, manufacture, or sale of alcohol in violation of the law or NMSU rules and polices. (ARP 16.60 Parts 3-5)

C. Annually, the Dean of Students, and directors of HRS-ELR and the Aggie Health and Wellness Center confer and coordinate to annually distribute a notification to students and employees providing information outlining standards of conduct, including those which prohibit the unlawful possession, use or distribution of Illegal Drugs and alcohol on university property, or during on-campus or off-campus university activities; the health risks associated with substance abuse; substance abuse resources; potential sanctions; and applicable criminal penalties under local, state or federal criminal laws for the unlawful possession or distribution of Illegal Drugs. The university's policies, rules and other guidelines issued are reviewed regularly and at least biennially to determine the effectiveness of the programs and consistency of sanction enforcement, to identify and implement any necessary changes.

PART 4: COMPLIANCE AND CONSEQUENCE OF VIOLATIONS

A. The Office of the Dean of Students is responsible for enforcement of NMSU's drug and alcohol regulations as they relate to students, and for compliance with the requirements of the Drug Free Schools and Communities Act of 1989, and its amendments (20 USC 1011i), as well as the Education Department's Drug-Free Schools and Campuses Regulations (34 CFR Part 86). Students and who violate this rule or other rules and directives relating to the responsible use of drugs and alcohol are subject to discipline under the Student Code of Conduct as set forth in ARP 5.20-5.26.

B. NMSU employees and supervisors are subject to additional regulations relating to the use, possession, purchase, manufacture, or sale of alcohol and drugs as provided in ARP 6.21. Human Resource Services is responsible for implementation of NMSU's drug and alcohol policies and regulations as they relate to employees and for compliance with the Drug-Free Workplace Act of 1988 (41 USC 8102), and other applicable regulations relating to drug and alcohol use by employees in the workplace. Employees who violate this rule are subject to discipline pursuant to ARP 6.21 and other university policies and procedures.

C. Visitors, contractors and contractor employees who violate this rule may be barred from campus as provided in ARP 16.21, or may be denied other campus privileges as determined by the appropriate campus president.

ARP 16.65 Drug Free University v020820

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