



Eastern Kentucky University

Policy and Regulation Library

Administrative Regulation: 8.3.7ADR

Responsible Office(s): Office of Human Resources

Effective: August 1, 2002

Next Review Date: Fall 2030

University Policy: 8.3.7POL

Drug Free Workplace and Campus

Statement

Eastern Kentucky University is a drug free workplace. Unlawful manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited in the workplace. In 1988, Congress enacted the Drug-Free Workplace Act, which places certain responsibilities on Eastern Kentucky University as a recipient of federal grants and contracts. To be in compliance with this act, ECU adopted this Drug Free Workplace Regulation.

Entities Affected

All individuals are subject to this regulation while they are in facilities or on property owned, controlled or operated by the University.

Policy Background

August 1, 2002 approved by the Board of Regents as part of the Staff Handbook approval. Procedures for this regulation were adopted by the Human Resources Department in April 2006.

Procedures

UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF CONTROLLED SUBSTANCE

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited on all university property, work sites or while conducting University business off University premises. The term "controlled substances" as used in

this regulation means those substances included in Schedule I through V of Section 812 of the Controlled Substances Act.

Controlled substances include marijuana in all forms, including medical marijuana. Although Kentucky Senate Bill 47 (2025 Regular Legislative Session) authorizes the use of medical marijuana under state law, the University is a recipient of federal funds and is therefore required to comply with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, and other applicable federal regulations that prohibit the possession, use, manufacture, and distribution of marijuana on University property and while performing work for the University.

Accordingly, the possession, use, manufacture, distribution, or dispensing of medical marijuana, is prohibited on University property, at University work sites, while performing University duties, and during work time. Employees who engage in these actions are subject to University disciplinary action up to and including termination. Any employee, who engages in any of these actions on University property or the work site or during work time, may be subject to disciplinary action up to and including termination.

EMPLOYEES CONVICTED OF ANY CRIMINAL DRUG STATUTE

Under the requirements of this federal law, employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their department director, chair, dean and/or vice president within five days of the conviction. If an employee receives such a conviction the University shall:

- a. Take appropriate personnel action against the employee, up to and including termination; and
- b. Require the employee to participate satisfactorily in an approved drug-abuse assistance or rehabilitation program.

INFORMATION ABOUT DRUG COUNSELING

Through the human resources office the University makes available to employees information about drug counseling, rehabilitation, and employee assistance programs which may be accessed by contacting the Employee Assistance Program (EAP). Contact information for the EAP is available on the EKU Human Resources webpage.

EMPLOYEES UNDER THE INFLUENCE

When it is reasonably believed that an employee is under the influence of drugs or alcohol while on the job, the following guidelines apply:

- a. The employee may be removed from the workplace until the employee is no longer under the influence and during the time an investigation is underway. In such circumstances, the supervisor will arrange to have the employee transported home.

- b. The employee may be required to undergo drug or alcohol testing. This could occur both at the time the employee is suspected of being under the influence and/or before the employee is allowed to return to work as evidence the employee is no longer under the influence.
 - i. Contact Human Resources which will arrange for confidential testing of the employee.
 - ii. An employee's refusal to participate in requested drug and/or alcohol testing is a separate offense subject to corrective action up to and including termination
- c. An employee found to be under the influence is subject to disciplinary action as provided in the Corrective Action Policy.
- d. The Supervisor may counsel the employee to seek assistance.

OFF-WORK USE OF ALCOHOL OR DRUGS

An employee whose off-work use of alcohol or drugs can reasonably be established to be the cause of excessive absenteeism or tardiness, or the cause of accidents or poor performance will be counseled to seek assistance.

- a. Job performance problems are subject to the steps of the Corrective Action policy.

EMPLOYEE ASSISTANCE

Employees requiring assistance in dealing with the use of alcohol or a controlled substance can receive such assistance in two ways: self refer and university referral to a Physician and/or the University's Employee Assistance Program (EAP). Contact information for the EAP is available on the ECU Human Resources webpage.

Responsibilities

- All ECU employees are responsible for maintaining a drug free workplace and complying with this regulation

Violations of the Policy

Violations of this regulation will be handled according to normal University procedures.

Statutory or Regulatory References

Drug Free Workplace Act of 1988
Controlled Substances Act (21 U.S.C. 812)
Drug-Free Schools and Communities Act of 1989
2025 Regular Legislative Session Senate Bill 47

Regulation Adoption Review and Approval

Regulation Revisions

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Entity

University Counsel
Office of Human Resources

Action

Legal Revision
Approved

Regulation Issued

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August 1, 2002

Entity

Board of Regents

Action

Adopted*