

Bemidji State University Alcohol and Other Drugs Policy Statement

Bemidji State University prohibits the use of any alcoholic beverages on the campus. This prohibition extends to residence halls, athletic facilities/events, and school activities, and applies to any person on University grounds, whether or not he or she is a member of the University community. The only exceptions to this absolute prohibition are authorized laboratory experiments and sale and consumption in accordance with special licensing procedure provided by law. Any such sale, possession, or consumption is strictly controlled and allowed only in those areas of campus specifically designated in the temporary license.

Bemidji State University prohibits the illegal use, possession, sale, manufacture, or distribution of drugs or actions involving drugs which may involve medical or psychological hazards to individuals, or actions involving drugs which may lead to interference with the rights and privileges of others.

MnSCU Procedures

Chapter 1C - Code of Conduct & Ethics

Procedure 1C.0.1 Employee Code of Conduct (Subpart I.)

<http://www.mnscu.edu/board/procedure/1c0p1.html>

Subpart I. Alcohol and drug use. Employees are expected to perform their jobs efficiently, safely and in a professional business-like manner. An employee's ability to perform effectively may be hampered by alcohol or other drug use, and under state policy employees may not report to work under the influence, or operate machinery, vehicles or equipment while under the influence. Recognizing that alcoholism and other drug dependencies are a significant societal and personal problem, the state's employee assistance program is available to assist system employees who may have an alcohol or drug abuse problem. The state's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes chapter 363A, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

Minnesota Management and Budget Policy on Alcohol and Other Drug Use by State Employees

<http://www.mmb.state.mn.us/doc/hr/policy/policy-alcohol.pdf>

Introduction

The State of Minnesota recognizes that alcoholism and other drug dependencies are a significant social problem with a potential for causing severe effects to the state's workforce. The State of Minnesota recognizes that it has a responsibility to maintain a drug free workplace. The state also recognizes that drug dependency may be an illness. Consistent with this understanding, however, the state has an obligation to ensure that its employees perform their jobs efficiently, safely and in a professional business-like manner. The purpose of this document is to set forth the state's policy regarding alcohol and other drug use, including unlawful drug use or abuse, in the workplace.

Scope of coverage

This policy is applicable to all employees of the Executive Branch and shall be enforced by each state agency. Questions regarding this policy should be addressed to agency Appointing Authorities or their Human Resources Officers, or to Minnesota Management and Budget.

Definitions

A. "**Work-related alcohol and other drug abuse**" is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana or the

use of prescription drugs when resulting behavior or appearance adversely affects work performance.

B. **"Adversely affects work performance"** and **"Under the influence"** shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses or effort; if the employee's condition threatens the safety of him/herself or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the state as an employer as determined by the supervisor or manager or others observing the employee.

C. **"Controlled substances"** means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens and cannabis.

D. **"Mood-altering"** or **"Alter"** means changed behavior which may limit an employee's ability to safely and efficiently perform his/her job duties, or poses a threat to the safety of the employee or others.

State Employee Assistance Program

The state has in place a formal Employee Assistance Program to assist employees in addressing problems such as alcohol or other drug abuse. Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment from the Employee Assistance Program before the problem affects their employment status. Participation in this program is voluntary and confidential, except as may be required pursuant to Public Law 100-690, Title V, Subtitle D.

Non-discrimination

The state's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

Consequence of violations

Violations of this policy may constitute just cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

Prohibitions

A. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making or safety.

B. No employee shall operate, use or drive any equipment, machinery or vehicle of the state while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use or drive state equipment.

C. No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever the state's work is being performed. During work hours or while on the state's premises, no employee shall use, sell, possess or transfer alcoholic beverages, with the following exceptions:

- Consumption, possession, sale or purchase of alcohol when authorized by a Commissioner under separate statutory or executive agency authority.
- Possession of alcohol while being transported in a state vehicle in compliance with applicable statutory requirements.
- Possession of alcohol while in an employee's personal vehicle on the state's premises in compliance with applicable statutory requirements. Additionally, employees shall not participate in these activities during rest breaks or during overtime work.
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D. Engaging in off-duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his/her work for the state. In such circumstances, the employee is subject to discipline.

E. When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in III(D) above, the employee is under an affirmative duty to notify the appropriate supervisor of his/her temporary inability to perform the job duties of his/her position.

F. Agencies shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession at work or on state premises. Where appropriate, agencies shall also notify licensing boards.

G. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the state. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the state's business, any employee whose condition or behavior adversely affects his/her work performance shall be subject to possible discipline, up to and including discharge.

Disciplinary Sanctions

Bemidji State University and Northwest Technical College faculty and staff covered by a Collective Bargaining Agreement will be disciplined according to the process delineated in the appropriate agreement. Administrators and staff will be disciplined according to the Personnel Plan for Administrators or the Commissioner's Plan

Violations of the policy may constitute just cause for discipline and may include, but is not limited to, oral and written reprimand, suspension, termination, and referral for prosecution.