

**TITLE:** MUW Employee Drug and Alcohol Policy

**AUTHOR:** Director of Human Resources

**APPROVAL DATE:** December 5, 2025

**EFFECTIVE DATE:** December 5, 2025

**PURPOSE:** To define the guidelines for maintaining a drug and alcohol-free workplace and school.

**REVIEWER:** Director of Human Resources

**REVIEW DATE:** October 2030 and every five years thereafter

**OPERATING DETAILS:**

Mississippi University for Women (University) is committed to maintaining a drug-free workplace and workforce in conformity with federal laws as set forth in the Drug-Free Workplace Act of 1988 and the Department of Defense (DOD) Drug-Free Workforce Rule of 1988 (collectively “the Legislation”) and MS IHL Drug-Free Workplace Policies 806. As a result of these laws and of the policy of this institution that the University be a drug-free workplace, employees are specifically prohibited from possessing, using, manufacturing, selling, distributing, or in any other way illegally participating in the illegal use of controlled substances without a valid prescription both on and off campus, except as permitted in the Legislation.

**Definitions**

Employee(s) shall specifically include all faculty, staff and other personnel employed by the University, whether full-time or part-time.

"Controlled substances" shall mean those drugs and substances set forth in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15, as well as those in Schedules I through V of Miss. Code Ann. §§ 41-29-113 through 41-29-121.

“Workplace” is any location where an employee is functioning within their job capacity.

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug and alcohol statutes.

**Standards of Conduct**

The University expects all employees to report to work fit for duty and free of any adverse effects of controlled substances, illegal drugs, prescription drugs, cannabis, alcohol, and/or any other intoxicating substance whether possessed legally or not.

University employees are prohibited from on-the-job use of or impairment from alcohol or controlled substances, including cannabis. Detectable amounts of any illegal drug or illegal controlled substance, while performing University business or while on campus or engaged in work for the University, is prohibited. At the discretion of the University, employees who present as impaired or under the influence or smell of controlled substances, alcohol or cannabis while working, will be sent home and potentially subject to disciplinary action. Any illegal drugs or drug paraphernalia found in the possession of an employee while on University property or while engaged in University business will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

While alcohol is served at certain University functions and off-site events where University business is conducted, and alcohol consumption is permitted on these occasions, employees must do so lawfully and responsibly, and must demonstrate good judgment if they are consuming alcohol during these events. Alcohol shall not be served at a University function to anyone under the age of 21 under any circumstances.

### **Notification of Convictions**

Any employee who has been convicted of a criminal drug or alcohol-related violation must notify their immediate supervisor no later than five (5) calendar days after the conviction.

1. Upon notification of such a conviction, the University will initiate appropriate personnel action within thirty (30) days of such notification.
2. Upon notification of such a conviction, the University is required by law to notify the applicable funding agency(s) within ten (10) days if the employee is working in a position that is funded by federal monies.

### **Sanctions**

1. Depending upon the facts relating to any drug or alcohol use or conviction as defined in this policy, the employee may be: suspended pending further investigation; required to participate satisfactorily in a substance abuse assistance or rehabilitation program; issued a formal warning; or terminated. For disciplinary actions, up to and including termination, the applicable procedure will apply, based upon the status of the employee (i.e., faculty/staff, within 90-Day Review period/outside 90-Day Review period, temporary/permanent, level of responsibility, etc.). Any action will be initiated within thirty (30) days after the facts have become known by the University.
2. If an employee fails to notify their immediate supervisor of any drug or alcohol-related conviction within five (5) calendar days after such conviction,

they will be suspended pending investigation with termination possible.

3. In addition to University sanctions, any employee found in violation of the drug and alcohol policy may be referred to the appropriate authorities for prosecution.

### **Drug and Alcohol Testing**

The University may require alcohol or drug testing for any faculty, staff, student worker, contractor, consultant, vendor, or job candidate under these circumstances:

1. There is a reasonable suspicion that the person may be under the influence of alcohol or drugs while at work.
2. The person has been offered a job that requires a drug test before starting work, due to state or federal laws, or specific grant or contract requirements.
3. The person is involved in a vehicle accident while driving a University-owned, rented, or leased vehicle, including utility vehicles like golf carts or Gators, regardless of who was at fault.
4. The person is involved in a work-related injury, whether or not it occurs on University property.

### **Drug and Alcohol Awareness Training**

A drug and alcohol awareness training for University employees is administered through the Office of Human Resources. The program is designed to provide information about the dangers of substance use, the policies of the University concerning a drug and alcohol-free workplace, the availability of the counseling and referral programs, and the penalties that may be imposed upon employees for workplace violations.

The Employee Assistance Program (EAP) is available to benefits-eligible faculty and staff and their dependents at no additional cost to the employee. EAP services provide confidential consultations, information and resources, connections to community agencies and supports referrals to counseling. The University's health plan also provides substance use benefits to benefits-eligible employees who are enrolled in the plan. Information about EAP and health insurance is maintained on the Human Resources' website.

Editorial Change: 03/08/13

Revised: 3/8/01, 6/28/05, 4/6/11, 12/5/2025

Reviewed: 10/2015, 10/2020, 10/2025