



Fairmont State University Board of Governors

Policy # GA-07

Effective Date: 08/28/2024

TITLE: RULE REGARDING ALCOHOL AND OTHER DRUGS

SECTION 1: GENERAL.

- 1.1 **Purpose:** The purpose of this policy is to comply with the applicable provisions of the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101 to 8106; 22 C.F.R. Part 513; 48 C.F.R. § 23.504; 48 C.F.R. § 52.223-6; and the Drug-Free Schools and Communities Act Amendments of 1989 (20U.S.C. § 1011i; 34 C.F.R. Part 86).
 - 1.2 **Scope:** This policy sets forth the applicable standards of conduct for employees and students; the applicable disciplinary sanctions for violations of the standards of conduct; a list of alcohol and drug programs that are available to employees or students; and requirements for compliance with the Drug Free Schools and Communities Act.
 - 1.3 **Filing Date:** 08/28/2024
 - 1.4 **Effective Date:** 08/28/2024
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SECTION 2: STANDARDS OF CONDUCT

- 2.1 **Statement of Prohibited Conduct.** The University expressly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on University property or at University-sponsored activities.
- 2.2 **Students.** All students and student organizations are required to obey federal, state, and local laws, and must comply with the rules of the Fairmont State Board of Governors, institutional or campus policies, rules and regulations, directives issued by any University official, and to observe standards of conduct appropriate for an academic institution.
 - 2.2.1 Students should refer to the Fairmont State University Student Code of Conduct for more information.
- 2.3 **Employees.** All employees, including faculty, staff, and administrators are required to obey federal, state, and local laws, and must comply with the rules of Fairmont State University Board of Governors, institutional or campus policies, rules and regulations, directives issued by any University official, and to observe standards of conduct appropriate for an academic institution.

- 2.3.1** Employees should refer to the Fairmont State University Faculty Handbook and/or the Fairmont State University Staff Handbook for more information.

SECTION 3: DISCIPLINARY SANCTIONS.

- 3.1 Students.** Any student found in violation of this Policy shall be subject to disciplinary action, up to and including expulsion.
- 3.1.1** All students should consult the Fairmont State University Student Code of Conduct to review the specific sanctions which may apply.
- 3.2 Employees.** Any employee found in violation of this Policy shall be subject to disciplinary action, up to and including termination, and may be required to participate in a drug abuse assistance or drug rehabilitation program.
- 3.2.1** All employees should consult the Fairmont State University Board of Governor's Policies/Rules (including Policy 64), the Fairmont State University Faculty Handbook and/or the Fairmont State University Staff Handbook to review the specific sanctions which may apply.

SECTION 4: ALCOHOL AND DRUG PROGRAMS.

- 4.1 Prevention Program.** The University acknowledges that implementing a quality prevention program requires continuous engagement. To that regard, the University's drug prevention program must include the following:
- 4.1.1** Annual Notification (*See Section 5.1*); and
- 4.1.2** Biennial Review (*See Section 5.3*).
- 4.2 Drug-Free Awareness Program.**
- 4.2.1 Students.** Fairmont State University is committed to providing students with drug and alcohol education, supportive counseling, and referral for treatment or rehabilitation. Students should seek more information by referring to the Student Handbook or visiting Fairmont State University's website.
- 4.2.2 Employees.** As a benefit of being an employee of Fairmont State University, all employees have access to a confidential and professional counseling service through our Employee Assistance Program. The program is available 24 hours a day, 7 days a week. For more information about the Employee Assistance Program, please contact Human Resources.

SECTION 5: COMPLIANCE WITH DFSCA.

- 5.1 Annual Notification.** The University shall distribute annual notification to each employee and each student written materials that describe and contain:
- 5.1.1.** Standards of conduct that prohibit unlawful possession, use, or distribution, of illicit drugs and alcohol on University property or at University-sponsored activities;
 - 5.1.2** A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
 - 5.1.3** A description of applicable legal sanctions under local, state, and federal law;
 - 5.1.4** A description of applicable counseling, treatment, or rehabilitation or re-entry programs; and
 - 5.1.5** A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions.
- 5.2 Distribution.** The University shall distribute the written materials outlined in Section 5.1 in ways that provide reasonable assurance that each student and each employee receive the materials annually.
- 5.2.1** The University must provide the written materials outlined in Section 5.1 to students who enroll after the date of the initial distribution.
 - 5.2.2** The University must provide the written materials outlined in Section 5.1 to new employees who are hired after the date of the initial distribution.
- 5.3 Biennial Review.** The University shall conduct a biennial review of its drug prevention program to determine its effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced.
- 5.3.1** The Biennial Review should be completed by August 1st of every year ending in an even number and cover the prior two (2) academic years.
- 5.4 Record Retention.** The University must retain all records reasonably related to compliance with the Drug Free Schools and Communities Act for three (3) years after the fiscal year in which the record was created.
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SECTION 6: AUTHORITY.

- 6.1** Federal Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101 to 8106; 22 C.F.R. Part 513; 48 C.F.R. § 23.504; 48 C.F.R. § 52.223-6; Federal Drug-Free Schools and Communities Act Amendments of 1989 (20U.S.C. § 1011i; 34 C.F.R. Part 86).