



SUBSTANCE ABUSE POLICY

PURPOSE

Tusculum University (Tusculum) is committed to providing a safe work environment and to fostering the health and well-being of its employees. That commitment is jeopardized when any employee illegally uses drugs at home or at work, is under the influence while conducting University business (whether on or off campus), possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job.

As part of our commitment to safeguard the wellbeing of our employees and to provide a safe environment for everyone, Tusculum has established a drug-free workplace policy, is participating in the Tennessee Bureau of Workers' Compensation's Drug Free Workplace Program and has established the following substance abuse policy:

- (1) It is a violation of Tusculum policy for any employee to use, possess, sell, trade, offer for sale or offer to buy illegal drugs, distribute, manufacture or otherwise engage in the illegal use of drugs on or off the job.**
- (2) It is a violation of Tusculum policy for any employee to report to work, be at work or to engage in work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.**
- (3) It is a violation of Tusculum policy for any employee to report to work, be at work or to engage in work under the influence of or impaired by alcohol.**
- (4) It is a violation of the Tusculum policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner, amount or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications. While Tusculum understands that employees and applicants under a physician's care may be required to use prescription drugs, the illegal use of prescribed medications will be dealt with in the same manner as the abuse of illegal substances. An employee or job applicant may confidentially report the use of prescription or nonprescription medications to a medical review officer, both before and after a drug/alcohol test, by contacting the medical review officer directly.**

Violations of this policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who has a drug problem to seek help. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free work environment. We strongly encourage those who use illegal drugs or abuse alcohol to seek help in overcoming their problem.

UNIVERSITY-SPONSORED EVENTS

From time to time, Tusculum may sponsor social or business-related events at which alcohol is served. This policy does not prohibit the use or consumption of alcohol at such events. However, if employees choose to consume alcohol at such events, they must do so responsibly and maintain their obligation to conduct themselves properly and professionally at all times.

DRUGS BEING TESTED

As a participating employer in the Tennessee Drug Free Workplace Program, Tusculum will test for the following drugs/levels:

Drug	Screening Threshold	Confirmation Threshold
Breath Alcohol	0.020 GM/DL	0.020 GM/DL

(All medications containing ethyl alcohol (ethanol). Please read the label for content. For example: Vicks Nyquil™ is 25% (50 proof) ethyl alcohol, Comtrex™ is 20% (40 proof), Contac Severe Cold Formula Night Strength™ is 25% (50 proof) and Listerine™ is 26.9% (54 proof).

Amphetamines	500 NG/ML	250 NG/ML
Amphetamine		500 NG/ML
Methamphetamine		500 NG/ML
MDMA	500 NG/ML	250 NG/ML
MDA	500 NG/ML	250 NG/ML
MDEA	500 NG/ML	250 NG/ML
Barbiturates	300 NG/ML	300 NG/ML
Benzodiazepines	300 NG/ML	300 NG/ML
Diazepam, Desmethyldiazepam		
Oxazepam, Temazepam		
Alprazolam, Alpha-Oh-Alprazolam		
Lorazepam, Alpha-Hydroxytriazolam		
Desalkylflurazepam, Midazolam		
7-Aminoclonazepam		
Buprenorphine	10 NG/ML	10 – 5 NG/ML
Cocaine Metabolite	150 NG/ML	100 NG/ML
Opiates		
Codeine	2,000 NG/ML	2,000 NG/ML
Morphine	2,000 NG/ML	2,000 NG/ML
Hydrocodone	300 NG/ML	100 NG/ML
Hydromorphone	300 NG/ML	100 NG/ML
6Mam	10 NG/ML	10 NG/ML
Oxycodone	100 NG/ML	100 NG/ML
Phencyclidine	25 NG/ML	25 NG/ML
Marijuana Metabolite	50 NG/ML	15 NG/ML
Methadone	300 NG/ML	300 NG/ML
Methaqualone	300 NG/ML	300 NG/ML
Propoxyphene	300 NG/ML	300 NG/ML

An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .04% while on duty/Tusculum business shall be considered a violation of this policy.

TYPES OF DRUG/ALCOHOL TESTING TO BE PERFORMED

It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. Pre-Employment/Job Applicant Testing

All job applicants who have been offered employment at Tusculum must undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Notices will also be placed on vacancy announcements for positions which require drug or alcohol testing. Applicants will be required to submit to a urinalysis test at a laboratory chosen by Tusculum. If the physician, official or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for the position.

Tusculum will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that Tusculum will not tolerate.

2. Reasonable Suspicion Testing

“Reasonable suspicion” is based on a belief that an employee is using or has used drugs or alcohol in violation of Tusculum’s policy and is based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

Among other things, such facts and inferences may be based upon, but not limited to, the following:

(A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;

(B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(C) A report of substance abuse provided by a reliable and credible source;

(D) Evidence that an individual has tampered with any substance abuse test during his or her employment with Tusculum; or

(E) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

3. Routine Fitness-for-Duty Drug or Alcohol testing

Employees must submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulation, are part of Tusculum's established policy, or one that is scheduled routinely for all members of an employment classification group.

4. Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Tusculum University vehicle, machinery, equipment or property or result in an injury to themselves or another individual under the following conditions:

(A) Information that an employee has caused or contributed to an accident while at work; and/or

(B) Involvement in an accident which results in an injury to another individual or in property damage equal to or exceeding Five Hundred Dollars (\$500.00), or such minimum amount as set by U.S.DOT Guidelines, if less.

Emergency medical care shall not be withheld or delayed for collection of drug and/or alcohol test specimens.

In any of the instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. If transportation by ambulance is not required, a member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

5. Random Selection

Tusculum University will randomly drug-test employees for compliance with its drug-free workplace policy. Random testing means employees will be selected for testing using a third party agency which utilizes software with a random-selection generator. This will result in an equal probability that any employee from the entire group of employees will be tested.

The Human Resources Department will supply a listing of all active employees to the third party agency who will pull a random selection of employee names and immediately notify Human Resources the employees selected for testing. Testing must be completed on the same workday the employee is notified, absent extenuating circumstances such as out-of-town travel. In all circumstances, testing must be completed within 24 hours of notification.

If an employee selected for testing is unavailable for a legitimate reason such as an extended medical absence, human resources will document the circumstances for failure to test.

Tusculum University has no discretion to waive the selection of an employee selected at random.

6. Follow-up to a Positive Test

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, Tusculum University may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which will include follow-up testing at times and frequencies determined by Tusculum University for a minimum of two years of unannounced screening as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program within six months following test date or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

For a two-year period following a positive drug or alcohol test, employee must submit to an unannounced follow-up drug test, alcohol test, or both, as appropriate. In cases in which an employee voluntarily entered treatment not based on an employer-administered drug or alcohol test, the unannounced follow-up test is not required.

Disciplinary action up to and including termination will follow the confirmation of a positive test for an employee. Any offer of employment will be terminated upon confirmation of a positive test.

Refusal to Submit to a Drug or Alcohol test

Failure to submit to a required substance abuse test shall be considered misconduct and shall be subject to discipline up to and including termination and the potential forfeiture of workers' compensation benefits.

OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to Tusculum's medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to Tusculum. A person may contest the drug test result pursuant to rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

CONFIDENTIALITY

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained as required by the rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

WORKPLACE SEARCHES AND INSPECTIONS

In order to achieve the goals of this policy and maintain a safe, healthy, and productive work environment, Tusculum reserves the right at all times to inspect employees, as well as their surroundings and possessions, for substances or materials in violation of this policy. This right extends to the search or inspection of clothing, desks, lockers, bags, briefcases, containers, packages, boxes, tools and tool boxes, lunch boxes, and employer-owned or leased vehicles and any vehicles on

company property where prohibited items may be concealed. Employees should have no expectation of privacy while on Tusculum's premises, except in restrooms, locker rooms, or other private areas.

EMPLOYEE ASSISTANCE

Tusculum offers a helping hand to those who need it while sending a clear message that the illegal use of drugs and the abuse of alcohol are both incompatible with employment here. We offer an Employee Assistance (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees and their dependents who need or request it.

Confidentiality is assured. NO information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in your permanent personnel file.

It is the responsibility of an employee to seek assistance from an EAP before alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment through an EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

Tusculum's EAP will provide appropriate assessment, evaluation and counseling and/or referral for treatment of drug and/or alcohol abuse. Employees may be granted unpaid leave with a conditional return to work, contingent upon successful completion of the agreed-upon treatment regimen, which may include follow-up testing.

Additionally, your personal medical provider can give an appropriate assessment, evaluation and counseling and/or referral for treatment of drug and alcohol abuse.

If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by your medical insurance; but the costs of such outside services are your responsibility.

Participation in the EAP will not affect your career advancement or employment, nor will it protect any employee from disciplinary action if substandard job performance continues. The EAP can be accessed by an employee through self-referral or through referral by Human Resources.

The cost of seeking assistance will be the responsibility of the employee and is subject to provisions of Tusculum's health insurance plan, if any. Please consult the insurance provider for specifics concerning this issue.

CRIMES INVOLVING DRUGS

As a condition of employment, employees must abide by the terms of this policy and must notify the Human Resources Office at Tusculum in writing of any charge or conviction related to a violation of a criminal drug statute no later than five calendar days after such occurrence.



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ACKNOWLEDGEMENT

I, _____ (employee name), acknowledge I received a copy of Tusculum University's Substance Abuse Policy and that I read it, understood it, and agree to comply with it. I understand that Tusculum has the maximum discretion permitted by law to interpret, administer, change, modify, or delete this policy at any time with or without notice. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this policy. Changes can only be made if approved in writing by the President of Tusculum University. I also understand that any delay or failure by Tusculum to enforce any work policy or rule will not constitute a waiver of Tusculum's right to do so in the future. I understand that neither this policy nor any other communication by a management representative or any other employee, whether oral or written, is intended in any way to create a contract of employment. I understand that, unless I have a written employment agreement signed by an authorized Tusculum representative, I am employed at will and this policy does not modify my at-will employment status. If I have a written employment agreement signed by an authorized Tusculum representative and this policy conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will control.

Date: _____

Employee Printed Name: _____

Employee Signature: _____