1. Policy Purpose Statement

Kennesaw State University (KSU) is committed to providing a safe, quality-oriented, and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Kennesaw State University employees, students, and vendor partners. This policy provides all employees with information regarding Kennesaw State University’s Substance Abuse, Random Testing, and Post-Accident Policy. This policy seeks to prevent risks and ill effects of illegal drug use, particularly by employees in high-risk positions, and to provide a safer and more productive work environment.

2. Background

The Kennesaw State University Substance Abuse, Random Testing, and Post-Accident Policy was created to comply with State Law and the University System of Georgia (USG) policies regarding Substance Abuse and Random Testing.

3. Scope (Who is Affected)

This policy applies to all employees, students, vendor partners, and applicants for employment of Kennesaw State University. The Office of Human Resource (HR) is responsible for policy administration.

4. Exclusions or Exceptions

There are limited circumstances in which KSU permits alcohol on University premises, including with approval by the President or President’s delegate, in residence halls, in courses, while tailgating, or at sporting events.

5. Definitions and Acronyms

**Affiliated Locations:** Any land and/or property leased and/or utilized for KSU-sponsored activities and programs.

**AOD:** Acronym for alcohol and other drug and/or drugs.
High Risk: All P.O.S.T certified law enforcement positions and all transportation positions requiring a CDL. Additionally, KSU has identified the following positions as safety sensitive and, thus, are considered high risk in their impact to fellow employees and students: medical personnel, non-DOT regulated drivers, positions working with children under the age of thirteen (13), and positions working with toxic or hazardous chemicals or equipment.

Under the Influence: To consume an amount of alcohol or drugs that is enough to reduce a person's physical and mental capabilities.

University Property: All land and improvements owned, occupied, leased, or controlled by the University or the University System of Georgia. This includes, but is not limited to, buildings, offices, meeting rooms, residence halls (including private rooms), parking garages.

6. Policy

Kennesaw State University promotes and requires a drug-free workplace among its employees. Employees in “high-risk” jobs on a regular basis shall be subject to preemployment, reasonable suspicion, post-accident, and random drug testing for evidence of use of illegal drugs. Additionally, an employee who has notified their supervisor that they have a drug related problem and is maintaining employment under Board of Regents (BoR) Policy Manual, Section 8.2.17, Voluntary Disclosure of Drug Use, shall be subject to random drug testing. Kennesaw State University expects all employees, students, vendor partners, and applicants to comply with this policy. This policy seeks to prevent risks and ill effects of illegal drug use, particularly by employees in high-risk positions and to provide a safer and more productive work environment.

7. Associated Policies/Regulations

b. BoR Policy Manual, Section 4.6.4, Alcohol and Drugs on Campus
c. BoR Policy Manual, Section 8.2.17, Voluntary Disclosure of Drug Use
d. BoR Policy Manual, Section 8.3.9.1, Grounds for Removal
e. USG Human Resources Administrative Practice Manual, Safety and Security: Drug Testing
f. KSU Employee Handbook

g. KSU Faculty Handbook

h. U.S. Drug-Free Schools and Communities Act of 1989

i. U.S. Title IV – 21st Century Schools, Part A – Safe and Drug-Free Schools and Communities

j. U.S. Code of Federal Regulations (CFR), Title 34, Subtitle A, § 86, Drug and Alcohol Abuse Prevention

k. U.S. Code of Federal Regulations (CFR), Title 41, Subtitle IV, Chapter 81, § 8102 - Drug-free workplace requirements for Federal contractors


m. KSU Employee Assistance Program

8. Procedures Associated with this Policy

Work Rules
1. Whenever employees are working, are operating any Kennesaw State University vehicle, are present on University premises, or are conducting University related work offsite, they are prohibited from:
   a. Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
   b. Being under the influence of alcohol or an illegal drug as defined in this policy.
   c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance, or alcohol in an employee's body system while performing University business or while in a university facility is prohibited.
3. Employees will not be allowed to work while taking prescribed drugs that adversely affect their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Reasonable suspicion

All employees shall be subject to drug testing for evidence of use of illegal drugs in cases of reasonable suspicion:

Any affected employee may be required to submit to drug testing when their supervisor has reasonable suspicion to believe that the employee is under the influence of illegal drugs. The determination of reasonable suspicion shall be made by a supervisor or other official who is trained to make such determinations and the Chief Human Resources officer or institutional legal department. With the approval of the Chief Human Resources officer or institutional legal department, the supervisor can require testing after making specific, well-articulated observations concerning the appearance, behavior, speech, or odor of the employee.

While not exhaustive, examples include:
- Odors (alcohol, body, urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery, involuntary movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).

When reasonable suspicion testing is warranted, both the supervisor and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive to the testing facility. A member of management must transport the employee or arrange for transportation of the employee to
the testing facility. Also, arrangements must be made for the employee to be transported home.

Post-Accident

The State of Georgia requires all state entities to conduct post-accident testing of employees that:

- are regulated by the US Department of Transportation and its operating authorities.
- have been identified by each appointing authority as performing duties that are considered high-risk.
- are P.O.S.T. certified employees because they are considered high-risk employees.

Procedures

Drug testing for Kennesaw State University employees will be performed in accordance with the same regulations and procedures as those prescribed by the State Merit System of Personnel Administration and approved by the Vice Chancellor for Human Resources for drug testing of applicants for state employment.

Notification

Employees identified for drug testing under this policy shall be provided a specific date and time to report for testing; such date and time shall be as soon as possible, but not later than two (2) business days following the date the individual receives notification to report. Therefore, individuals should be notified to report at a time that considers when the testing location is open. Most testing locations are closed on Saturday and Sunday, so in general, Monday, Tuesday, and Wednesday are preferable to Thursday and Friday.

Under no circumstances will the employee be allowed to drive to the testing facility. A member of management must transport the employee or arrange for transportation of the employee to the testing facility. Also, arrangements must be made for the employee to be transported home.

Random Testing

The State of Georgia requires all state entities to conduct random testing of employees that:

- are regulated by the US Department of Transportation and its operating authorities.
- require certification under O.C.G.A. § 35-8 (P.O.S.T.) and whose incumbents regularly perform high-risk work.
- have been identified by each appointing authority as performing duties which are considered to be high risk.

All employees in the above referenced high-risk positions shall be subject to random drug testing. The numbers of employees to be tested and the scheduling of employee selection shall be determined by the institution’s Chief Human Resources Officer or their designee in accordance with applicable law and regulations.

Employee Assistance Program (EAP)
Kennesaw State University will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other University policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment and will face possible discipline up to and including discharge.

Employees should report to work ready and able to perform their job duties and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. However, employees must consult with their doctors about each medication’s effect on their ability to perform duties and work safely. Also, they must promptly disclose any work restrictions to their supervisor.

The EAP is professional help provided to all KSU employees and is available to employees when they need assistance with work-related and/or personal life issues. EAP is a customized assistance program which offers professional counseling and consultation through our third-party vendor. Additional information is available at https://hr.kennesaw.edu/benefits/employee-assistance-program.php.

9. Forms Associated with this Policy

As required by policy, regulation, or procedure.

10. Violations

Disciplinary Action

Employees subject to testing due to their high-risk position shall be removed from the high-risk position or terminated from employment after compliance with the dismissal procedures of the Board of Regents if they decline to submit to a drug test or if they test positive for the use of illegal drugs. Employees subject to testing for reasonable suspicion shall be subject to disciplinary action to include possible termination after compliance with the dismissal procedures of the Board of Regents if they decline to submit to a drug test or if they test positive for the use of illegal drugs.

To the extent allowed by law, the identity of any employee who declines a drug test or who tests positive for drug use shall be withheld from all persons except those who need such information in their official capacity.

11. Review Schedule

The Office of Human Resources will review the Substance Abuse, Random Testing, and Post-Accident Policy annually.