

CLEMSON
UNIVERSITY
OHR POLICY LIBRARY
Drug and Alcohol

Drug and Alcohol Policy
Responsible Executive: CHRO
Originally Issued: October 07, 1990
Revised: March 20, 2019

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THE DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

POLICY STATEMENT

Clemson University recognizes that the illegal and/or abusive use of alcohol or drugs by members of the university community jeopardizes safety and runs counter to the university's mission. This policy adheres to the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989 and the South Carolina Drug-Free Workplace Act of 1990 to promote the health and safety of our students, faculty and staff. This policy applies to all full-time, part-time, and temporary faculty and staff and all student workers. In addition, all faculty, staff and student workers who receive a federal grant/contract or a state grant/contract are required to abide by this policy as a condition of employment of the grant or contract.

REASON FOR POLICY

This policy has the following objectives:

- To maintain a safe and secure campus for Clemson University students, faculty, staff and guests
- To achieve compliance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989 and the South Carolina Drug-Free Workplace Act of 1990

ENTITIES AFFECTED BY THIS POLICY

- All colleges/divisions of the university
- Any individual, group or organization holding a university sponsored event

WEB ADDRESS FOR THIS POLICY

http://media.clemson.edu/humanres/policies_procedures/Drug_And_Alcohol/Drug_and_Alcohol_Policy.pdf

CONTACTS

Subject Matter	Office	Telephone	E-mail/Web Address
Policy Clarification and Interpretation	Human Resources (OHR)	(864) 656-2000	https://www.clemson.edu/human-resources/contact/index.php

PRINCIPLES

I. Standards of Conduct

The illicit or unauthorized manufacture, use, possession, distribution, or dispensation of alcohol or illegal drugs by employees on university property or as part of or during any university activity is prohibited. No employee shall report for duty or remain on duty under the influence of any illegal drugs, unauthorized prescription medication or alcohol.

II. Disciplinary Sanctions

The university may impose disciplinary sanctions on employees who violate the above standards of conduct. The severity of the imposed sanctions will be appropriate to the violation. The university may require completion of an appropriate rehabilitation program as part of a disciplinary sanction. The disciplinary sanctions which may be imposed for staff include but are not limited to one or more of the following: verbal counseling, written reprimand, suspension, termination and/or referral for prosecution. When a violation occurs that may lead to disciplinary action against a faculty member, the Office of Human Resources will consult with the Office of the Provost.

Clemson University employees possessing, using and/or distributing alcohol or illegal drugs are subject to state and federal laws and their associated penalties and/or sanctions.

III. Note for Supervisors

Because every case of drug and/or alcohol abuse has different circumstances, it is important that supervisors contact Staff and Faculty Relations in the Office of Human Resources for direction in any effort to address issues related to drug and/or alcohol use by faculty, staff or student workers (including locating appropriate counseling for alcohol and/or drug-related problems).

Supervisory referrals of employees to counseling and treatment programs must be made through Staff and Faculty Relations. Referrals and records of referrals will be handled with the same degree of confidentiality as medical records.

It should be noted that South Carolina law ([S.C. Code Sec. 8-11-110](#)) recognizes alcoholism as an illness and requires state agencies to grant employees sick leave for the purpose of participating in public and private treatment and rehabilitation programs licensed by the State of South Carolina or the state in which the program and/or treatment facility is located.

IV. Counseling and Treatment for Alcohol and Drug Abuse

Clemson University recognizes drug dependency as a major health problem and drug and alcohol abuse as a potential health, safety and security concern. The Drug-Free Awareness Program provides detailed information to employees about

the dangers of alcohol and/or drug abuse in the workplace, available drug counseling, rehabilitation and employee assistance information, and penalties that may be imposed for alcohol and/or drug abuse violations. For details, contact Staff and Faculty Relations in the Office of Human Resources at (864) 656-2000 or visit the [Drug-Free Awareness Program website](#).

Employees in need of treatment or counseling are encouraged to utilize the university's Employee Assistance Program (EAP) and its related resources. To learn more about the EAP, contact Staff and Faculty Relations at (864) 656-2000 or visit the EAP [webpage](#).

Referrals to such programs may be self-referrals or supervisory referrals. Referrals by supervisors must be made through Staff and Faculty Relations in the Office of Human Resources. Referrals and records of referrals will be handled with the same degree of confidentiality as medical records.

V. Drug Conviction Reporting Requirement

All university employees (including student workers) are required to report any conviction under a criminal drug statute for any violation occurring in the workplace or as part of any university activity. A conviction means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence, or both, by any federal or state judicial body charged with such responsibility. The employee must report the conviction to their supervisor and to the chief human resources officer or designee within five (5) calendar days of the conviction. Per federal and state law, in the event that the convicted employee was employed in the performance of a federal contract or grant or a state contract or grant, the chief human resource officer or designee shall immediately notify the vice president of research so that the sponsoring federal or state agency can be notified within ten (10) days of the date the university received notification.

VI. Alcohol (i.e., Liquor, Beer and Wine) at University Sponsored Events

Any serving or consumption of alcoholic liquor, beer or wine at university sponsored events or consumption of alcoholic liquor, beer or wine during normal working hours other than as provided below is unauthorized. Specific policies regarding activities sponsored by Clemson University students can be found in the [Student Handbook](#). Those having questions concerning rules or guidelines as stated in the *Student Handbook* should contact the Office of the Dean of Students.

State law permits the possession and consumption of beer and wine by individuals of legal age at private and public events; state law permits the serving of alcoholic liquor, beer or wine only to individuals of legal age; and the minimum legal age for the possession and consumption of alcoholic liquor, beer and wine is 21. For more information regarding the sale, serving and consumption of alcohol taking place on Clemson University facilities, access the [Clemson University Facility Use Policy](#).

The following shall apply to all alcoholic liquor, beer and wine served at university sponsored events by university employees or groups:

- A. Alcoholic liquor, beer and wine may only be served to individuals 21 years of age or older at any university sponsored event regardless of the location.
- B. Alcoholic liquor, beer and wine may be served or available for consumption at university sponsored events subject to state laws and existing guidelines.
- C. Employees must comply with the requirements of the [Clemson University Facility Use Policy](#) when serving alcohol at university sponsored events.
- D. Notwithstanding the above, alcoholic liquor, beer and wine may not be served, consumed or available for consumption during normal university working hours (as assigned for each employee by the university) at any location on university property. Exceptions may be granted only with the prior approval of both the vice president

responsible for the event and the vice president responsible for the area in which the event is held. Any violation of this policy may result in disciplinary action being taken against those employees responsible for the violation.

- E. For university sponsored events taking place on or off campus, employees must take steps to ensure that alcohol is only served to individuals 21 years of age or older.

VII. Distribution and Review of Policy

The Drug and Alcohol Policy may be accessed at any time on the Office of Human Resources website. All new employees must acknowledge via the university’s training management system that they have reviewed and understand this policy, while all current faculty and staff must acknowledge the same on an annual basis. The chief human resources officer (CHRO) or designee shall be responsible for overseeing all actions and programs relating to this policy. The CHRO or the CHRO’s designee, along with Clemson University’s Office of General Counsel, shall conduct a biennial review of this policy and its implementation to determine its effectiveness, make necessary changes and ensure that disciplinary sanctions are consistently enforced.

Please be aware that this policy does not negate the Drug and Alcohol Testing Policy implemented in accordance with the Omnibus Transportation Employee Testing Act for employees in safety-sensitive positions as defined by the act.

RESPONSIBILITIES

Responsible Party	List of Responsibilities
Office of Human Resources (OHR)	<ul style="list-style-type: none"> • Provides guidance on the Drug and Alcohol Policy to faculty, staff and students • Collaborates with Office of General Counsel to conduct biennial review of the Drug and Alcohol Policy • CHRO reviews and approves the Drug and Alcohol Policy based on General Counsel’s recommended updates • Makes recommendations regarding disciplinary action to Provost’s Office or appropriate division head when an employee is found in violation of the Drug and Alcohol Policy • Ensures that disciplinary actions are carried out in accordance with university policy and procedures
Office of the Provost	When a faculty member is found in violation of the Drug and Alcohol Policy: <ul style="list-style-type: none"> • Coordinates with OHR to arrive at a timely and appropriate resolution • Ensures that disciplinary actions are carried out in accordance with university policy and procedures
Office of General Counsel	<ul style="list-style-type: none"> • Collaborates with OHR to conduct the biennial review of the Drug and Alcohol Policy
Supervisor	<ul style="list-style-type: none"> • Ensures that employees annually review and acknowledge understanding of the Drug and Alcohol Policy via the university’s training management system • Reports to OHR when a staff member/student worker is believed to be under the influence of drugs and/or alcohol
Employee	<ul style="list-style-type: none"> • Adheres to the Drug and Alcohol Policy • Annually reviews and acknowledges understanding of the Drug and Alcohol Policy via the university’s training management system

DEFINITIONS

Click [here](#) to visit the OHR Glossary of Terms.

RELATED RESOURCES

University Policies and Documents
Clemson University Employee Assistance Program
Drug and Alcohol Testing Policy
Drug-Free Awareness Program website
Clemson University Facility Use Policy
Discipline Policy
Discipline for “Non-Covered” Employees
External Documentation
US Drug Enforcement Administration’s website
Rehabilitation Act of 1973
Federal Trafficking Penalties
South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS)
S.C. Code Sec. 8-11-110
S.C. Code of Laws