



615 - Drug-free Workplace Policy Procedure

Purpose:

To operationalize Bismarck State College's Drug-free Workplace policy.

Procedure:

Enforcement:

1. A supervisor can require an employee to undergo alcohol or controlled substance testing if the supervisor has reason to believe that the employee is under the influence of alcohol or a controlled substance.
2. If the supervisor determines the employee should not operate a motor vehicle, the supervisor may arrange transportation for the employee. If the employee refuses to accept transportation and insists on operating a motor vehicle, the supervisor will inform the employee that Campus Police or law enforcement officials will be notified immediately that the employee appears unfit to operate a motor vehicle.
3. An employee who suspects that a colleague is under the influence of alcohol or illegal drugs should contact the employee's supervisor or the Chief Human Resources Officer immediately.
4. An employee who suspects that a supervisor or department head is under the influence of alcohol or illegal drugs should contact the next level of supervision or the Chief Human Resources Officer immediately.
5. Any employee who violates this policy is subject to discipline up to and including termination.

Terms and Conditions:

1. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures or uses a controlled substance while on the job or at a site at which the College's work is performed will be subject to discipline up to and including termination.
2. Any use of illicit and/or misuse of prescription medications on College property or at College-Sponsored events is strictly prohibited. This includes the use or possession of marijuana, including recreational and medicinal uses.
3. This prohibition applies even if the Department of Public Health has issued a certificate of registration permitting the individual to possess an amount of marijuana for medical purposes, those with medical marijuana cards are not



permitted to use or possess marijuana on campus.

4. Each employee is required to abide by this policy as a condition of employment and is further required to inform his or her supervisor within five days following any conviction for violation of any federal or state criminal drug statute where such violation occurred in the College's workplace.
 - a. A conviction means a finding of guilt (including a plea of guilty or of nolo contendere) or the imposition of a sentence by a judge or jury.
 - b. Bismarck State College is required to notify the U.S. government within ten days of receiving notice of a conviction. Therefore, all supervisors must notify the President of the College and the Chief Human Resources Officer within 24 hours of receipt of notice from an employee of a conviction.

Health Risks of Alcohol and Other Substances of Abuse:

To find out more about these commonly abused agents and other substances of abuse not listed here go to the Drug Enforcement Administration – [justice.gov/dea/index.shtml](https://www.justice.gov/dea/index.shtml)

Hotline: The National Drug Abuse Hotline is (1-800-662-HELP).

Referral Services:

Employees may utilize the referral services provided by the Employee Assistance Program. For further information on the EAP, contact the Human Resources Office.

[EAP Informational Brochure.pdf \(adobe.com\)](#)

Treatment:

BSC encourages employees to voluntarily seek help with drug and alcohol problems.

Full-time employees will be allowed up to six weeks leave from work for treatment of drug and/or alcohol abuse.

Definitions:

Controlled Substance: Any drug listed in 21 U.S.C. paragraph 812. Such drugs include, but are not limited to heroin, marijuana, cocaine, PCP, methamphetamine, opium/opiate, etc.

References:

Public Law 101-226 [226.pdf \(house.gov\)](#)

SBHE Policy 615: Drug Free Workplace [Drug Free Workplace.docx \(sharepoint.com\)](#)

SBHE Policy 918: Alcoholic Beverages [Alcoholic Beverages.docx \(sharepoint.com\)](#)

History of This Policy Procedure:

First policy draft November 30, 1989.



Revised - April 30, 1990; August 6, 1997; April 17, 1998, March 24, 2003, March 7, 2005; November 29, 2010; reviewed by the Operations Council on June 13, 2012 and approved by the Executive Council on June 19, 2012; approved by President Skogen on August 1, 2012; November 6, 2012; reviewed and revised by the Operations Council on November 13, 2019 and approved by the Executive Council on December 3, 2019.

Reviewed by Campus Council on August 21st, 2023, and reviewed by the Executive Council on August 28th, 2023, and approved by the President on September 21st, 2023.