



<b>POLICY NAME</b>	Drug Free Workplace Policy	<b>POLICY NO.</b>	BOR104
<b>APPROVING BODY</b>	Board of Regents	<b>VERSION NO.</b>	03
<b>RESPONSIBLE DEPARTMENT</b>	Board of Regents		
<b>EFFECTIVE DATE</b>	12-MAY-1989; REV 01 1999; REV 02 10-MAY-2001	<b>REVIEW/REVISION DATE</b>	15-JUL-2024

### **PURPOSE:**

The Board of Regents of Western New Mexico University adopts this policy to implement the Drug Free Workplace Act of 1988, as amended.

Ref: Chapter I.11 in the Board of Regents Manual.

The purpose of the Western New Mexico University (WNMU) Drug Free Workplace Policy is to provide a safe and healthy work environment and ensure that employees, students, student workers, contractors/subcontractors, university affiliates, and members of the community or public are aware of and abide by the WNMU policy regarding drugs and alcohol, including recreational marijuana.

Students should refer to the Student Alcohol & Other Drugs Policy and the Student Code of Conduct available in the Student Handbook.

### **POLICY:**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of Western New Mexico University, including but not limited to its campuses, grounds, facilities, workplaces, vehicles, or at any activity held on university premises. Possessing, storing or drinking alcohol in the workplace, classroom or dormitory is prohibited except as authorized by the Use of Alcohol on University Property and Housing Policies. Reporting to work or class while impaired or under the influence of drugs or alcohol is prohibited.

Local, state, and federal laws prohibit the unlawful use, manufacture, store, possession, control, sale, and dispensation of any illegal drugs or other drugs. Under federal law, we are required to follow the Controlled Substance Act, Drug Free Schools and Communities Act, and Drug Free Workplace Act.

Under the Cannabis Regulation Act fully enacted June 29, 2021, possession and growth on marijuana is now legal in New Mexico. Under federal law, such activities, in any form, remain a federal crime under the Controlled Substances Act. For this reason, WNMU policies as they relate to marijuana remain unchanged even though the State of New Mexico has legalized it. Academic exception may be granted for research, instruction, and/or internships with specific written approval from the WNMU President.

WNMU will impose disciplinary sanctions on employees who violate the above-stated policy. Depending on the circumstances, these sanctions may range from a minimum of satisfactory participation in a substance abuse program to a maximum of termination from employment.

Although the university does not act as a law enforcement agency, it will not protect individuals who have violated the law. WNMU will cooperate with law enforcement officials if an on-campus investigation is necessary. WNMU Police will enforce New Mexico underage drinking laws, and federal and state drug laws.

#### **RESPONSIBILITY:**

The President of the University is responsible for the administration of the Drug-Free Workplace policy and program. The Director of Employee and Labor Relations is designated by the President to administer this program for employees, student workers and university affiliates. The Director of Purchasing is designated by the President to certify this program for university grants and contracts.

#### **PROGRAM:**

The university establishes the following Drug-Free Workplace program.

1. The purpose of the program is to inform the university's employees about:
  - a. the dangers of drug and alcohol abuse at the university as a workplace;
  - b. the Board of Regents' policy for maintaining a drug-free university environment;
  - c. the information on available substance abuse counseling, rehabilitation, or employee assistance programs;
  - d. the appropriate disciplinary action and penalties that may be imposed for a substance abuse violation.
2. The program requires the Director of Human Resources to provide each employee with a copy of the policy.
3. The program requires each employee, as a condition of employment to:
  - a. abide by the Board of Regents' Drug-Free Workplace Policy;
  - b. notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring on the university premises no later than five calendar days after conviction;
  - c. sign a certification of awareness of the University Drug-Free Workplace policy and program.
4. The program requires the Provost and Vice President for Academic Affairs to:

- a. sign a certification of the university Drug-Free Workplace policy and program for all grant and contract proposals and agreements;
  - b. notify the appropriate federal contracting agency within ten calendar days after receiving notice from an employee of a conviction of any criminal drug statute or of receiving actual notice of the conviction.
5. The Program requires the Director of Employee and Labor Relations to take one of the following actions after receiving notice of any criminal drug statute conviction:
  - a. appropriate disciplinary action according to established personnel policy and procedure up to and including dismissal; and/or
  - b. requiring the employee to participate in an approved substance abuse assistance or treatment program.
6. The program requires the university to make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy and program.
7. Independent contractors, when engaged in work for the university where its employees perform work on property owned by the university will abide by this policy. To enforce this policy the following statement will be added to university contracts with independent contractors who have employees working on campus: "Contractor agrees that as to Contractor's employees that work on university property, Contractor will abide by the university's Drug Free Work Place policy found in the university's Board of Regents Manual.
8. This policy does not prohibit WNMU employees or contractors or affiliates who are health care practitioners possessing a current federal DEA registration number and licensed/registered by the NM Regulation and Licensing Department in accordance with provisions of laws in the state of New Mexico from administering or prescribing medications as set forth under state and federal laws.