

**WESTERN CAROLINA UNIVERSITY
COLLEGE OF HEALTH AND HUMAN SCIENCES**

ALCOHOL AND ILLEGAL DRUG TESTING POLICY for STUDENTS

I. University Policy Statement

Western Carolina University (the “University”) is committed to maintaining a drug-free workplace and academic environment in compliance with the federal Drug Free Workplace Act of 1988 and in accordance with University Policy #38, *Illegal Drugs*, and University of North Carolina Policy 1300.1, *Illegal Drugs*. Further, the University is committed to provide campus experiences for its students that are safe, legal, and responsible, in accordance with University Policy #81, *General Campus Policy for Alcoholic Beverages*, and the University Code of Student Conduct.

II. University Interests

The University recognizes its responsibility to provide for a safe learning environment for University students and personnel, as well as a safe clinical/internship setting for patients and employees of affiliated agencies. The use of alcohol and/or drugs, lawfully prescribed or otherwise, which interfere with the student’s judgment or motor coordination poses an unacceptable risk to the aforementioned. For the foregoing reasons, the College has adopted this policy to further the following interests of the University:

1. To prevent the possession, consumption or distribution of illegal drugs, which violates applicable federal and state law, University Policy #38 and/or the University Code of Student Conduct and substantially adversely impacts the efficacy and integrity of the Programs;
2. To promote the safe, legal, and responsible purchase, consumption or possession of alcohol, in accordance with University Policy #81, *General Campus Policy for Alcoholic Beverages*;
3. To cooperate with affiliated agencies by ensuring, to the extent possible, that students comply with agency policies, rules, and regulations pertaining to the placement of students in clinical/internship experiences, including agency alcohol and drug testing policies;

III. Definitions

1. *Drug testing* means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting an illegal substance, drug or alcohol.

- a. *Pre-placement drug testing* means drug testing conducted prior to a student engaging in a learning experience at an affiliated agency if the agency requests such testing.
 - b. *Reasonable suspicion drug testing* means drug testing conducted on a student because individualized and objective evidence exists to support the conclusion that a student (1) has engaged in the use of alcohol and/or illegal drugs in violation of applicable policies, laws, and regulations; or (2) appears to be impaired. Facts that could give rise to reasonable suspicion include, without limitation: observed possession or use of illegal drugs or alcohol; the odor of alcohol or drugs; impaired behavior such as slurred speech; decreased motor coordination; difficulty in maintaining balance; marked changes in personality or academic performance or behavior; reports of observed drug or alcohol use; an arrest or conviction for a drug or alcohol related offense; positive pre-placement or other drug tests; or newly discovered evidence of drug test tampering.
 - c. *Repeat drug testing* means a drug test that is repeated following a positive test. This test will be conducted within 5 days following notification of a positive test and will test the broadest spectrum of drugs.
 - d. *Random drug testing* means drug testing where employees or students of affiliated agencies are tested randomly at the discretion of the agency without reasonable suspicion.
2. "Impaired" means that a person's mental or physical capabilities are reduced below their normal levels (with or without any reasonable accommodation for disability). An impaired student, by virtue of his/her use of alcohol or illegal drugs, exhibits deteriorated motor/psychomotor function, reduced conceptual/integrative/synthetic thought processes, and/or diminished judgment and attentiveness compared with previous observations of the student's conduct and performance. For purposes of this policy, the term impaired shall also mean addiction and/or physical or mental dependence upon alcohol or illegal drugs.
 3. "Illegal drugs" means (1) any drug or substance whose use, possession, and manufacture are regulated by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services pursuant to Article 5 of Chapter 90 of the North Carolina General Statutes (the "Controlled Substances Act"); or (2) a drug whose use is strictly controlled by a physician's prescription or other order.
 4. "*Program*" means all degree granting programs in the CHHS.

5. Each program will have one or more “Program Designees” that will oversee student affairs issues.

IV. College Procedural Requirements

A. Prohibited Conduct and Duty to Notify of Charges/Convictions

1. All conduct specified in University Policy 38 Illegal Drugs and Illegal Use or Abuse of Alcohol (Policy 38) and University Policy 81 Alcoholic Beverages (Policy 81) is expressly prohibited. The terms of Policy 38 and Policy 81 shall be made a part of this policy. Nothing in this policy shall be construed to limit or otherwise constrain the terms of Policy 38 or Policy 81.
2. Nothing in this policy shall be construed to limit or constrain the terms of any agency drug testing policy or scheme.
3. Under no circumstance should a student participate in Program courses or educational experiences while he/she is impaired.
4. Under no circumstance should a student manufacture, consume, possess, sell or distribute illegal drugs or alcohol in violation of applicable federal and state laws and/or applicable Program and University policies, including the University Code of Student Conduct.
5. Students have an affirmative duty under this policy to report any criminal charges, convictions or plea agreements that are related to the manufacture, use, possession, sale or distribution of an illegal drug, or to the purchase, consumption or possession of an alcoholic beverage. Such violations, if substantiated, will result in disciplinary action, up to and including dismissal from the Program, in accordance with established Program disciplinary policies and procedures. Such violations may also result in a referral to the Department of Student Community Ethics (“DSCE”) for investigation and University discipline if warranted.
6. A student who violates any provision of this Section IV.A will be deemed to be **unable to meet the essential functions and technical standards** of their Program and will be subject to disciplinary action, up to and including dismissal from the Program.
7. A student should be aware that a positive drug test may impede his/her ability to part-take in clinical/internship experiences and therefore may impede his/her ability to progress in a Program.

B. Agreement to Submit to Drug and Alcohol Testing

1. A student entering or progressing in a Program that requires a drug test(s) as a condition of enrollment must submit to the said drug testing as required by the Program.

2. A student participating in a Program must agree to submit to pre-placement drug testing; reasonable suspicion drug testing when circumstances warrant such testing; and/or repeat drug testing as required by the Program.
3. All students shall sign an acknowledgment and consent form (Attachment A) that evidences the student's consent to: (a) comply with University, College, and Program policies pertaining to alcohol and illegal drugs; (b) comply with all policies and regulations of affiliated agencies pertaining to alcohol and illegal drugs; (c) submit to all drug testing as described in this policy; and (d) authorize the disclosure of drug testing results to the Dean of the College of Health and Human Sciences (CHHS) or his/her designee. Refusal to sign the acknowledgment and consent form shall be grounds for non-placement in clinical/internship experiences and subsequent dismissal from the Program.

C. Actions Following Positive Drug Tests

1. Upon receipt of a positive drug test, the Dean of College of CHHS or his/her designee shall inform the Program Designee of the positive drug test, the student who received the positive test, as well as any other information needed to evaluate the positive drug test.

The Program Designee shall notify the student in writing of the result of the drug test as well as any disciplinary action imposed. Any repeat drug test shall be conducted by a mutually agreed upon qualified vendor and all costs of the repeat test shall be borne by the student.

If a student chooses to submit to a repeat drug test, any appeal time-line designed in this policy shall be stayed until the Program Designee notifies the student of the result of the repeat drug test.

A student who receives a positive drug test, or a positive repeat drug test, will be subject to disciplinary action.

2. Disciplinary action at the Program level for a positive drug test will be decided by a designated group of Program faculty and may include dismissal from the Program. Program level disciplinary action may be appealed pursuant to Section E of this policy.
3. A positive drug tests may also be referred to Department of Student Community Ethics (DSCE) for investigation pursuant to the Western Carolina University Student Code of Conduct (Code).
4. Students that are dismissed from the University are dismissed from the Program.
5. Any attempt to tamper with, contaminate or switch a sample during any drug test will result in disciplinary action, up to and including dismissal from the Program and will be referred to the DSCE for investigation pursuant to the Code.

6. If a student is permitted to continue in the Program following a positive drug test result, the agency that required the test may handle the issue according to its policy. In the event that the agency refuses to permit the student to continue with the agency an alternative placement will be sought; however, if placement cannot be found the student may not be able to progress through the program, depending on the program's requirements.
7. Students should be aware that non-prescription substances (e.g., poppy seeds or CBD, etc.) may cause a positive result on the drug screening. If students are concerned about a substance they have consumed, they should speak with their health care provider. Final results of a UDS are determined by the Medical Review Officer (MRO) of the facilitating organization.

D. Dilute Negative Drug Test results

Students may be asked to repeat a "dilute negative" drug screen result at the discretion of the clinical facility, and/or the College unit.

E. Program Appeal

1. A student who wishes to appeal the decision of the Program have the option to do so in writing to the Dean of CHHS within five (5) days of notification as specified in Section C.1.
2. The Dean may request in writing supportive information from the student, which must be provided within 5 days of the Dean's request.
3. The Dean will decide on the case within five (5) days of receiving all requested information.
4. The Dean may base their decision on any or all information provided and/or learned through investigation conducted him/her self or others.
5. In order to maintain an appeal, a person must remain a student in good standing of the university. All appeal rights terminate with the loss of student status.

F. Pre-Placement Drug and Alcohol Testing

1. Pre-placement drug testing will be coordinated through students' Program and will be conducted by a qualified vendor or as determined by the affiliated agency. The cost of all drug testing shall be borne by the student, unless it is otherwise provided by the affiliated agency. Any positive pre-placement drug test shall be evaluated pursuant to this policy.
2. If a student is permitted to continue in the Program following a positive pre-placement drug test result, the agency that required the test will handle the issue according to its policy. In the event that the agency refuses to permit the student to work with the agency an alternative placement will be sought; however, if placement cannot be found the student may not be able to progress through the program, depending on the program's requirements.

G. Reasonable Suspicion Drug and Alcohol Testing

1. Reasonable suspicion drug testing may be conducted when individualized and objective evidence exists to support the reasonable suspicion that a student (1) has engaged in the use of alcohol and/or illegal drugs in violation of applicable policies, laws, and regulations; or (2) appears to be impaired.
2. Evidence of a student's use of alcohol and/or illegal drugs or impairment may be provided by any individual, including employees of affiliated agencies.
3. The determination of whether or not reasonable suspicion testing is warranted shall be made by an agency, or by the Program Designee and Dean of CHHS.
4. Reasonable suspicion drug testing will be coordinated through the student's Program Designee, and the cost of drug testing shall be borne by the student.

V. Confidentiality

All drug testing results shall be used, maintained, and disclosed by the College and/or University only as permitted by and in strict compliance with all applicable federal and state laws and regulations pertaining to confidential and protected health information and student records.

Attachment A

**WESTERN CAROLINA UNIVERSITY
College of Health and Human Sciences**

Acknowledgement and Consent Form

Students in the Programs shall be familiar with applicable legal and ethical requirements set forth in state licensure laws and regulations pertaining to healthcare professions and occupations.

I have read and understand the College of Health and Human Sciences Alcohol and Illegal Drug Testing Policy for Students ("Policy"). I also have had an opportunity to ask questions about the Policy.

By my signature below, I agree to comply with the requirements of this Policy, and all applicable policies and regulations of the University and affiliated agencies. Further, as a condition of participation in the Program, I knowingly and voluntarily consent to submit to any drug testing required by the University, College, or Program, or any requisite pre-placement drug testing or random drug testing required by an affiliated clinical agency.

I hereby authorize the disclosure of any and all drug testing results to the Dean of the College of Health and Human Sciences or his/her designee.

I hereby agree, for myself and on behalf of my successors, heirs, and assigns, to hold harmless and waive any and all claims and release, satisfy, and forever discharge Western Carolina University and its trustees, officers, and employees, and the University of North Carolina and its governors, officers, and employees from any and all actions, claims, damages, judgments, demands, rights, and causes of action of whatever kind or nature, arising out of or in connection with the College's, Program's, and University's administration of the Policy.

Student Signature

Date

Printed Name