



<b>Policy Title:</b> HR-A 08.00 Drug and Alcohol Free Campus Policy		<b>Former Policy Number:</b>	
<b>Document Owner:</b> Adam Michelman		<b>Approver(s):</b> Adam Michelman	
<b>Date Created:</b> 12/19/2022	<b>Date Approved:</b> 12/19/2022	<b>Date Updated:</b> 12/19/2022	<b>Review Due:</b> 12/19/2025
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Rush complies with all applicable state and federal laws concerning drugs and alcohol in the workplace, including the requirements of the Drug Free Schools and Communities Act (DFSCA) and the Drug Free Workplace Act. In accordance with the DFSCA, Rush shall review its compliance efforts on a biennial basis to measure effectiveness and to ensure that the standards of conduct and conduct sanctions have been consistently enforced. All members of the Rush Community are encouraged to review the information on the following pages. **This information is distributed annually as part of mandatory training and provided to students, faculty and staff on an ongoing basis during student, faculty and staff orientations and meetings.** Distribution shall occur by a combination of techniques, including but not limited to, U.S. mail, electronic transmission, within registration and/or orientation materials, as a learning management system modules, on Blackboard, and/or by personal distribution during classes or meetings.

In keeping with the mission, vision and core values of Rush, and in recognition of its obligation to protect the safety, health and well-being of its students, faculty, staff, patients, visitors, and volunteers, Rush prohibits the unlawful distribution, dispensing, usage, sale, storage and/or possession of alcohol and/or illicit drugs on its premises or while performing Rush business excluding exceptions for moderate alcohol consumption at approved Rush functions.

In addition, all faculty and staff (including student employees and contractors) are prohibited from reporting for work or working while in an impaired state. If a faculty or staff member is impaired by prescription medication, taken according to a doctor's order, to the point that it affects their ability to perform the essential functions of their job, they must immediately inform their supervisor prior to starting work.

Rush reserves the right to test students, faculty and staff for alcohol and/or drugs under certain circumstances as described within this policy (Refer to Section 8.01d.). Testing for the presence of alcohol will be conducted by analysis of breath, saliva and/or blood; testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, hair and/or saliva, at Rush's discretion.

This policy applies to all students, all faculty and all staff (including agency or contract employees) and is a condition of enrollment and employment which all students, faculty and staff agree to by accepting admission or employment and continuing to attend and/or work at Rush.

**8.01 POLICY VIOLATIONS AND CONDUCT SANCTIONS**

a. Drugs. The illegal manufacture, distribution, dispensing, use, sale, storage and/or possession of controlled substances on Rush property or while performing Rush business is strictly prohibited. Use of a medication if prescribed in another person's name is strictly prohibited. Storage of any drug on Rush premises without authorization (except for drugs for which a student, faculty or staff member has a current prescription) is strictly prohibited. For safety reasons, such personal prescriptions must be safely stored. Further, diverting medications from Rush for one's own personal use, sale, dispersion or distribution is also a violation of this policy. Students, faculty or staff engaged in such prohibited conduct will be subject to discipline including, but not limited to any, or a combination, of the following: mandatory referral to a treatment program via the Rush Employee Assistance Program (EAP), progressive disciplinary action, last chance agreements, focused professional practice evaluations, expulsion or termination, in



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accordance with Rush student, faculty and staff disciplinary policies and processes. Under certain circumstances, prohibited conduct may also be reported to appropriate law enforcement officials and/or to the Illinois Department of Financial and Professional Regulation. Furthermore, violations by students may be referred to the appropriate committee within each college for additional review and adjudication.

This policy does not prohibit employees from the lawful possession and use of prescribed medications. Employees have the responsibility, however, to consult with their doctors or other licensed health care professionals about the effect of prescribed medications on their ability to meet job demands in a safe manner, and to promptly disclose any work restrictions or impairment due to prescribed medications taken according to a doctor's order to their manager or Employee Health Services. Employees will not be required, however, to disclose underlying medical conditions, impairments or disabilities to their manager or to Human Resources ("HR") unless specifically directed to do so by their doctors or other licensed health care professionals, such as the Employee Health Services.

b. Alcohol. The distribution, dispensing, use, storage and/or possession of alcohol on Rush property or while performing Rush business, excluding moderate consumption in approved areas and at approved functions, is strictly prohibited. Students, faculty and staff engaged in such prohibited conduct will be subject to discipline including, but not limited to any, or a combination, of the following: mandatory referral to a treatment program via the EAP, progressive disciplinary action, last chance agreements, focused professional practice evaluations, expulsion or termination, in accordance with Rush student, faculty and staff disciplinary policies and processes. Under certain circumstances, prohibited conduct may also be reported to appropriate law enforcement officials and/or to the Illinois Department of Financial and Professional Regulation. Furthermore, violations by students may be referred to the appropriate committee within each college for additional review and adjudication.

c. Conviction while enrolled or employed. Any student, faculty or staff member who is convicted of a violation of a criminal drug statute while enrolled or employed at Rush must report the conviction within five (5) calendar days. Students must report the conviction to the Dean of their College (or designee), and faculty and staff must report it to their immediate manager and to Human Resources. Failure to report the conviction could result in discipline, including expulsion or termination.

d. Testing. Refusal to authorize the collection of a sample (including signing a consent form indicating consent to testing and release of results to Rush), refusal to provide a specimen for testing upon request from a Rush official, or purposefully refusing to avail oneself (i.e., leaving the premises after being asked to test, or failing to report to the testing area) for testing is prohibited and is viewed as testing positive for drugs or alcohol. Similarly, failure to produce an appropriate amount of urine for testing, after a period of three (3) hours is also viewed as a positive test for drugs or alcohol. In addition, switching, adulterating, altering or tampering with any sample, or in any way failing to comply with Rush rules regarding testing is strictly prohibited and will be treated as a positive result. Positive results are subject to discipline including, but not limited to any, or a combination, of the following: mandatory referral to a treatment program via the EAP, progressive disciplinary action, last chance agreements, focused professional practice evaluations, expulsion and/or termination. Rush reserves the right to increase or decrease frequency of testing based on mission, need, availability of resources and experience in the program consistent with the commitment to maintain a drug and alcohol free campus. The following testing or searches may be conducted:



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1. Pre-employment/Post-offer testing. Applicants will be scheduled for a drug test as soon as reasonably possible after they receive and accept an offer of employment from Rush. (Refer to Section 8.04 for more information). Agency and Contract employees may be subject to this screening depending on the specific terms of their agreement.

2. Reasonable suspicion. (Refer to Section 8.05 and the Procedures for Drug and Alcohol Testing for more information.) If an individual is reasonably suspected of violating this Policy, they may be asked to submit to a search or inspection. Searches may be conducted of pockets, lockers, wallets, purses, briefcases, lunchboxes, desks, and work stations. Refusal to consent to a requested search will be subject to discipline up to and including termination.

3. Testing under the Last Chance Agreement. Testing may be required as part of follow-up to counseling, treatment or rehabilitation as coordinated with the EAP and/or delineated in a last chance agreement or a focused professional practice evaluation. (Refer to the Procedures for Drug and Alcohol Testing for more information.)

e. Prohibited substances. Substances for which students, faculty and staff are tested may include, but are not limited to: alcohol, drugs, depressants (barbiturates), stimulants (amphetamines), PCP, cocaine, narcotics (opiates, such as heroin, morphine, Oxycontin and codeine), Fentanyl, Methadone, cannabis and other cannabinoids (e.g. hashish), Benzodiazepines (such as Librium or Valium), hallucinogens, legally obtainable drugs which have not been legally obtained and/or are being abused, and prescription or over-the-counter drugs which have actual or potential mind- or performance-altering effects such that they may render the employee unfit for duty, and which have not been reported to management in accordance with Section 8.01a of this policy. Also encompassed by this definition are substances not sold as drugs or medicine but used for mind- or performance-altering effect, as well as synthetic analogs of a legally restricted or prohibited drug, devised to circumvent drug laws (including “designer drugs”). Rush recognizes that certain states and municipalities allow the use of cannabis and/or medicinal cannabis. Illinois’ medical cannabis law permits an individual with a qualifying debilitating medical condition to register as a medical cannabis patient and avoid civil and criminal penalties under state law for certain medical uses of cannabis. Likewise, recreational cannabis law in Illinois permits an adult (21 years of age or older) to use cannabis and avoid civil and criminal penalties under state law.

However, in accordance with Illinois and federal law and in order to maintain a safe, efficient and effective workforce, Rush employees may not use, distribute to another person, divert, or possess cannabis on Rush property, working on company time or while operating company equipment (including vehicles). Rush also prohibits employees from reporting to work under the influence of, or in any way impaired by cannabis; as determined in Rush’s sole discretion to the fullest extent permitted by applicable law. See section 8.05.

f. Failure to comply with EAP, Last Chance Agreement, or Focused Professional Practice Evaluation. Failure to attend the EAP for consultation and assessment after a mandatory referral following a verified positive drug or alcohol test, and/or failure to adhere to an agreed upon action plan, last chance agreement, or focused professional practice evaluation is strictly prohibited and is subject to discipline up to and including expulsion or termination.

## 8.02 LEGAL SANCTIONS



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Use of illicit drugs by any person is illegal under both state and federal statutes. Use of alcohol by persons under 21 years of age is illegal under state law. Penalties for conviction under state and federal law include incarceration and fines. Property used in connection with illegal drugs may be confiscated. Federal student loans and grants may be denied to those convicted of a violation of a criminal drug statute.

**8.03 HEALTH RISKS**

Rush recognizes both alcohol and drug abuse as potential health, safety, and security problems. Rush expects students, faculty and staff to assist in maintaining a learning and work environment free from the effects of alcohol and drug abuse.

The use of illicit drugs and the abuse of alcohol and prescription drugs have potential adverse health consequences that may be permanent. These consequences include disorders and dysfunctions that affect the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. Specifically, there are both short- and long-term effects on cognition, memory, retention, information processing, coordination, and athletic and academic performance. The use of illicit drugs and the abuse of alcohol also affect emotional equilibrium, mental well-being, and the ability to make critical decisions. Such use also impairs judgment, which in turn increases one’s vulnerability and risk-taking behaviors. Not only can these effects be damaging to an employee’s own health and productivity, they have the ability to negatively impact the health and safety of co-workers.

**8.04 PRE EMPLOYMENT/POST OFFER TESTING**

Following a bona fide offer of employment, pre-employment drug testing is required. A negative drug screen is a requirement for all job applicants before beginning employment.

All applicants tentatively selected for employment will receive notification that they are required to submit to a test for drug use prior to beginning employment/appointment. Applicants will also be notified that employment/appointment at Rush is contingent upon a negative drug test result.

Testing process. Applicants shall be directed to Employee Health Services for pre-hire drug screening. Applicants will be informed by Employee Health Services at each location regarding the specific Rush organization's rules surrounding drug screening requirements and time allowed to complete the screening (if applicable). Applicants who fail to adhere to facility-specific requirements satisfied in a timely manner risk the withdrawal of their offer of employment. If a delay of greater than 90 days occurs between the date of the drug test and the scheduled start date, the employee will be required to re-test before being allowed to begin work.

1. Failure to appear for testing, unless authorized by Recruitment, will be considered refusal to participate in testing and will result in the cancellation of an offer of employment/appointment. In addition, a candidate's employment/appointment eligibility will be suspended for 12 months.
2. A finding that a urine, blood or other specimen has been adulterated, switched or tampered with will result in the cancellation of an offer of employment/appointment. In addition, a candidate's employment/appointment eligibility will be suspended for 12 months.



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3. At Rush’s discretion, a finding of a diluted urine specimen may result in mandatory retesting which must be completed within 24 hours of notification by Rush and a second diluted finding may result in ineligibility for hire for 12 months.
4. Applicants shall be advised of the opportunity to submit medical documentation that may support a legitimate use for a detected drug and that such information will be reviewed by the Medical Review Officer (MRO) to verify legitimate use or the presence of an illegal or prescription drug. Such verification must be submitted to the MRO within the timeline provided, at their discretion.
5. Rush will withdraw the contingent employment/appointment offer to any applicant with a verified positive test result, and such applicant may not reapply for a period of 12 months. The applicant will be informed by their recruiter that a confirmed presence of an illegal drug in the applicant's test sample precludes Rush from hiring the applicant.
6. In certain instances and for various reasons (i.e., a lost or questionable sample), Employee Health Services (or the external testing facility) may require a repeat test of the urine specimen. The retest must be completed within 24 hours of notification.

**8.05 REASONABLE SUSPICION TESTING FOR IMPAIRMENT**

If a Rush official has reason to believe that an individual is impaired in the work or learning environment, Rush has the right to require a student, faculty or staff member (including contractors) to submit to a drug or alcohol test and refusal to do so may result in immediate expulsion or termination of employment.

Indications for a reasonable suspicion of impairment include but are not limited to:

a. Direct observation of alcohol or illegal drug use and/or the physical symptoms of impairment or being under the influence, including, but not limited to:

1. alcohol or marijuana odor;
2. slurred speech;
3. glazed or glassy eyes;
4. drowsiness;
5. disorientation;
6. balance, coordination or dexterity problems;
7. serious concentration difficulties;
8. wide variations and/or unexplained changes in mood or demeanor;
9. unexplained disappearances from the work area/site;
10. a pattern of abnormal conduct, erratic behavior, or mood swings.

b. Situational events which by themselves create a reasonable suspicion of alcohol or illegal drug use or being under the influence, including, but not limited to:

1. missing medication/narcotics on unit or area of responsibility, where the individual had access, and circumstances support suspicion;
2. an accident, incident or injury occurring under unusual or suspicious circumstances
3. arrest or conviction for a drug-related offense, or the identification of the person as the focus of a criminal investigation into illegal drug possession, use or trafficking;



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4. Information either provided by reliable and credible sources or independently corroborated newly discovered evidence that the individual has tampered with a previous drug or alcohol test.

### 8.06 REPORTING REQUIREMENTS

a. An employee with information about another employee should report to their manager or director if they have knowledge of any condition or action which reasonably indicates the following:

1. An employee may have impairment, intoxication or addiction to habit forming drugs and is unable to meet the job demands;
2. An employee poses a hazard to the safety or welfare of others; or
3. An employee unlawfully possesses, uses, distributes or diverts habit-forming drugs from Rush for such employee's own use or benefit.

b. Employees are required to report known or suspected incidents of drug diversion by employees, and/or contracted staff to their manager, Director of Pharmacy or a designated Diversion Specialist.

c. Employees who divert medication will be reported to the Illinois Department of Professional & Financial Regulation and any other state or federal agency, in accordance with applicable rules and regulations.

### 8.07 RUSH EMPLOYEE ASSISTANCE PROGRAM (EAP)

Students, faculty and staff are encouraged to voluntarily seek help if they are experiencing drug and/or alcohol problems. The EAP (powered by ComPsych® GuidanceResources®) provides appropriate resources to support rehabilitation. However, participation in a rehabilitation program does not excuse compliance with Rush rules, policies, or procedures.

a. Function. The EAP plays an important role in preventing and resolving drug use or alcohol abuse by providing students, faculty and staff with an opportunity for appropriate assistance. In addition, the EAP provides educational materials and information to students, faculty and staff. The EAP will refer individuals to appropriate treatment and rehabilitative facilities, follow-up with individuals during the rehabilitation period to track their progress, and encourage successful completion of the program.

b. Responsibilities. The EAP is available to:

1. Provide counseling, assistance and referrals to students, faculty and staff who seek treatment or whose drug tests have been verified positive, and monitor the individuals' progress through treatment and rehabilitation;



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2. Provide needed education and training to Rush managers on types and effects of drugs, symptoms of drug use and impact on performance and conduct, relationship of the EAP to drug testing, and related treatment, rehabilitation, and confidentiality issues;
  3. Ensure that confidentiality of test results and related medical treatment and rehabilitation records are maintained according to Rush policy.
- c. Referrals. The EAP is staffed by licensed clinical professionals who respect confidentiality and offer quality and cost-effective referrals for rehabilitation.
- d. Cost. The initial EAP assessment, consultation, and follow up appointments are available without cost to Rush students, faculty and staff. Further assessment and rehabilitative costs may be covered by medical insurance plans. Individuals are responsible for the payment of any cost not covered by their chosen medical plan.

### 8.08 TRAINING PROGRAMS

Managerial training is recommended for all managers and may be presented as a separate course, or be included as part of an ongoing managerial training program. Training may be provided as soon as possible after a person assumes managerial responsibility. Failure to receive such training, however, shall not invalidate otherwise proper reasonable suspicion testing.

### ADDITIONAL DOCUMENTS (CLICK ATTACHMENTS TAB TO DOWNLOAD)

1. Drug Screen Testing Request & Follow Up Testing
2. Safety Event
3. Procedures for Reasonable Suspicion Testing