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**A. 08.00 DRUG AND ALCOHOL FREE CAMPUS POLICY**

Rush complies with the requirements of the Drug Free Schools and Communities Act (DFSCA) and the Drug Free Workplace Act and this policy implements those requirements. 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, every 1<sup>st</sup> Monday of October 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 LEAP module, 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) 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 his or her ability to perform the essential functions of his or her job, he or she must immediately inform his or her 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 and is a condition of enrollment and employment which all students, faculty and staff assent 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/prescription 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 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 Wellness Assistance Program (RWAP), 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.



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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 RWAP, 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/Office of Institutional Equity. Failure to report the conviction could result in discipline, including expulsion or termination.

d. Testing. Refusal to authorize the collection of a sample or 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 is subject to discipline including, but not limited to any, or a combination, of the following: mandatory referral to a treatment program via the RWAP, 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 may be conducted:

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).

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, he or she 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.

3. Last Chance Agreement. Testing as part of follow-up to counseling, treatment or rehabilitation as coordinated with the RWAP 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.)

4. Leave of Absence. Testing of faculty and staff following a Leave of Absence (LOA) greater than ninety (90) days. This period is measured from the last date of work and the actual date of return. Retesting must be completed before the individual will be allowed to work. (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:

1. Alcohol
2. Amphetamines, e.g., Dexedrine, Speed, Ice, Crank, Uppers
3. Barbiturates, e.g., Downers, Seconal, Nembutal, Amytal
4. Benzodiazepines, e.g., Dalmane, Librium, Valium
5. Cannabinoids, e.g. Marijuana, THC
6. Cocaine, e.g., Crack, Activan
7. Fentanyl
8. Methadone
9. Methaqualone, e.g., Quaaludes
10. Opiates, e.g., Heroin, Morphine, Codeine, Oxycontin
11. Phencyclidine, e.g., PCP, Angel Dust
12. Propoxyphene, e.g., Darvon

f. Failure to comply with RWAP, Last Chance Agreement, or Focused Professional Practice Evaluation. Failure to attend the RWAP 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. (Refer to Section 8.06 for more information.)

## **8.02 LEGAL SANCTIONS**

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, including engaging in unprotected sex, which may lead to exposure to HIV and other sexually transmitted diseases and to unplanned pregnancy. The chronic use and abuse of illicit drugs and alcohol have been shown to cause adverse permanent changes in most of the biological systems studied. These changes can lead to severe impairment, disability, and premature death.

The following is a partial list of drugs often found in the work or learning environment and some of the consequences of their use:

1. **Alcohol** is the most commonly abused substance in the workplace. It can lead to poor judgment and coordination, drowsiness and mood swings, liver damage and heart disease.
2. **Marijuana** is an addictive drug, although many erroneously believe that it is harmless. It can cause short-term memory impairment, slowed reaction time, lung disease and infertility.
3. **Cocaine/Crack** may speed up performance, but, the effect is short-lived. More lasting risks are short attention span, irritability and depression, seizure and heart attack.
4. **Prescription drugs** including opioids are often used to reduce pain or stress. However, they are not safe, unless they are taken as directed. If abused, they can lead to sluggishness or hyperactivity, impaired reflexes, addiction and brain damage.
5. **PCP, LSD, heroin, and morphine** all have a wide variety of negative health effects, from hallucinations and mental confusion to convulsions and death.

#### **8.04 PRE EMPLOYMENT/POST OFFER TESTING**

Following a bona fide offer of employment, pre-employment drug testing is required.

Applicants for employment will receive the following notification:

"All applicants tentatively selected for employment will be required to submit to a test for illegal drugs and alcohol use prior to beginning employment/appointment."

Applicant will also be notified that employment/appointment at Rush is contingent upon a negative drug/alcohol test result.

Testing process. Applicants shall be directed to Employee and Corporate Health Services (ECHS) for alcohol/drug screening. The test must be completed on the day of the initial ECHS screening appointment.

1. 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.
2. 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.
3. A finding that a urine, blood or other specimen has been adulterated, switched or tampered with may result in ineligibility for hire.
4. A finding of a diluted urine specimen will generally 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.
5. 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 24 hours of notification.
6. 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 his/her recruiter that a confirmed presence of an illegal drug in the applicant's test sample precludes Rush from hiring the applicant.
7. In certain instances and for various reasons (i.e., a lost or questionable sample), ECHS (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 INDICATIONS FOR REASONABLE SUSPICION OF 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 to submit to a drug or alcohol test and refusal to do so may result in immediate expulsion or termination of employment. Any employee disciplined under this Policy for being under the influence or impaired by cannabis has the right to contest the basis of the determination by submitting a written request for review to the Employee Appeals Panel. Employees should consult the Employee Appeals Policy or call x2-5916 for more information.

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;
- b. Unexplained disappearances from the work area/site.
- c. Missing medication/narcotics on unit or area of responsibility, where the individual had access, and circumstances support suspicion of him/her.
- d. A pattern of abnormal conduct, erratic behavior, or mood swings.
- e. An accident, incident, or an injury occurring under unusual or suspicious circumstances.
- f. 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.
- g. Information either provided by reliable and credible sources or independently corroborated.
- h. Newly discovered evidence that the individual has tampered with a previous drug or alcohol test.

### **8.06 RUSH WELLNESS ASSISTANCE PROGRAM (RWAP)**

Students, faculty and staff are encouraged to voluntarily seek help if they are experiencing drug and/or alcohol problems. The RWAP (powered by Perspectives, Ltd) 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 RWAP 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 RWAP provides educational materials and information to students, faculty and staff. The RWAP 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 RWAP 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;
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 RWAP 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 RWAP is staffed by licensed clinical professionals who respect confidentiality and offer quality and cost-effective referrals for rehabilitation.

d. Cost. The initial RWAP 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.

### **8.07 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.