

## **APPENDIX C: STUDENT ALCOHOL AND DRUG TESTING POLICY**

### **Union University Student Alcohol and Drug Testing Policy to Maintain Wellness**

#### **Introduction**

All students enrolled in Union University are expected to have the responsibility, accountability, and competence to make positive choices that maintain and improve their physical, mental and spiritual well-being.

“Or do you not know that your body is the temple of the Holy Spirit who is in you, whom you have from God, and you are not your own? For you were bought at a price, therefore glorify God in your body and in your spirit, which are God’s.”

1 Corinthians 7:19-20

Union University firmly believes that the use of alcohol and drugs can have a negative effect on the performance of the student’s intellectual and spiritual development. The potential for alcohol and drug abuse threatens the viability of the student’s professional development, the public’s confidence in Union’s programs and its academic reputation among colleges and universities. Most importantly, alcohol and drug abuse affects individual wellness which is imperative in maintaining a healthy mind and body to serve within God’s kingdom and be productive for His purposes.

In furtherance of these beliefs, Union University has instituted an alcohol and drug testing policy to maintain wellness for students with the following goals:

- To encourage students to develop and engage in healthy, responsible lifestyles.
- To promote the health, academic and professional progress of each student at Union University.
- To deter alcohol and drug use and abuse.
- To provide early detection and treatment of alcohol and drug abuse.
- To reduce the risk and threat of injury to students and the public.

#### **Applicability**

This policy applies to:

- All students enrolled in health related academic programs at Union University.

#### **Confidentiality**

All alcohol and drug test results, evaluation and counseling reports, and other related information obtained as a result of this policy will be treated in a confidential matter. Access to this information will be limited to those who have a need to know and will be kept separately from a student’s academic record.

## Definitions

“Alcohol” means any product of distillation of any fermented liquid or any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits, and alcohol used in the manufacture of denatured alcohol, flavoring extracts, syrups, or medicinal, mechanical, scientific or culinary preparations.

“Assistance program” means an established and approved program capable of providing expert assessment of alcohol or drug abuse; confidential and timely identification of services with regard to alcohol or drug abuse; referrals of students for appropriate diagnosis, treatment and assistance; and follow-up services for students who participate in the program or require monitoring if returned to their academic program.

“Drug” means any controlled substance identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812). Such drugs include, but are not limited to, amphetamines, barbiturates, benzodiazepines, cocaine, methaqualone, opiates (codeine, heroine, morphine, papaverine), phenycyclidine (PCP) and cannabinoids (THC, marijuana). In accordance with this policy, “drug” also means any legend drug obtained in violation of any Food and Drug Administration enforced statute or regulation. The abuse and/or dependence upon legally permitted substances such as, tobacco, prescription drugs, etc. is also prohibited.

“Drug paraphernalia” means any equipment, product or material that is used or intended for use in concealing a drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body a drug or controlled substance.

“Drug test” or “test” means any chemical, biological or physical instrumental analysis, for the purpose of determining the presence or absence of alcohol, drugs or its metabolites. Tests may be based on breath, saliva, urine, blood and/or hair samples.

“Reasonable-suspicion drug testing” means alcohol or drug testing based on a belief that a student is using or has used alcohol or drugs in violation of this policy drawn from specific, objective facts and reasonable inferences drawn from those facts in light of experience. Among other things, the facts and inferences may be based upon:

- (A) Observable phenomena such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of alcohol or a drug;
- (B) Abnormal conduct or erratic behavior or a significant deterioration in performance;
- (C) A report of alcohol or drug use, provided by a reliable and credible source;
- (D) Evidence that an individual has tampered with an alcohol or drug test while in the academic program; and
- (E) Evidence that a student has used, possessed, sold, solicited or transferred drugs or used alcohol.

“Refusal to test” means:

- (A) Failure to provide adequate urine, hair, swab or other biological material for prohibited substances testing without a valid medical explanation after he or she has received notice of the requirement for testing;
- (B) Engaging in conduct that obstructs or interferes with the testing process;
- (C) Failure or refusal to execute the required forms provided in conjunction with the receipt of this policy or which are a part of the testing;
- (D) Failure to be readily available for requested testing;
- (E) Failure to report to, and undergo prohibited substances testing as required; and
- (F) Alteration or adulteration of a specimen or admission to the collector that you adulterated or substituted a specimen.

“Under the influence” means a condition which alters, impairs, diminishes or affects the body’s sensory, cognitive or motor function due to alcohol or drug consumption; drug consumption may include extensive use of prescribed medications as well as illegal use of drugs. This also means the detectable presence of substances within the body, regardless of when consumed, having an alcohol test result of 0.04 or greater alcohol concentration and/or having a positive alcohol or drug test.

“Use of Prescription Stimulants” means the appropriate treatment of Attention-Deficit/Hyperactivity Disorder (ADHD) as evidenced by a recent (within the previous 6 months) psychosocial evaluation by an appropriately licensed/certified psychologist or other relevantly trained physician that includes a clear description of the impact of ADHD, summary of relevant information, diagnosis, history (including the presence of any co-psychological disorders), educational assessment, summary, and recommendations and the possession of a current, valid prescription for the stimulant. A student’s use of stimulants (as evidenced by a positive drug screen) without a current psychosocial evaluation and prescription will be considered to be abuse of prescription drugs and a “positive” test as noted below.

### **General Policy Prohibition**

Any of the following actions constitutes a violation of the policy and may subject a student to disciplinary action including immediate termination from the program:

- Consuming or being under the influence of alcohol, smoking or using smokeless tobacco on University property, at a clinical site, or as a representative of Union University.
- Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting or assisting another to do so, while on University property, in a clinical site or as a representative of Union University.
- Using any prescription drug without a current, valid prescription or being under the influence of any prescription drug without a current, valid prescription. A valid prescription is one that is issued by a licensed health care provider authorized to issue such prescription and used for its intended purpose as prescribed before any expiration date. This includes prescription stimulants without a valid, current (within 6 months) psychosocial evaluation.
- Using any drug (over the counter or prescription, regardless of possession of a valid prescription), that has the potential to impair judgment while on University property, a clinical site or while serving as a representative of Union University.
- Refusal to test.
- Conviction of illegal possession and/or illegal distribution of drugs or alcohol.

### **Types of Testing**

**Applicant Testing:** All applicants accepted into a health-related academic program may, depending on the program requirements, be required to submit to an initial drug screen upon enrollment. This will be *at the student’s expense*.

**Random Testing:** The student may be selected at random for drug and/or alcohol testing at any interval determined by the University. When selected for random testing the student must visit the designated laboratory within twenty-four (24) hours of notification.

**Reasonable Suspicion Testing:** Union University may ask the student to submit to a drug and/or alcohol test at any time it feels that the student may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

**Post-Incident Testing:** Any student involved in an on-campus or clinical site incident which injures the student, another student or a patient under circumstances that suggest possible use or influence of drugs or alcohol in the incident may be asked to submit to a drug and/or alcohol test.

**Monitoring Testing:** Any student participating in a prescribed treatment program will be required to submit to drug testing as indicated by that treatment plan *at the student's expense*.

### **Testing Procedure/Collection of Samples**

All testing will be performed by designated laboratories certified by either the SAMHSA (Department of Health and Human Services) or other governmental entity. Testing shall be in accordance with industry standards and in accordance with any applicable federal and state laws. The collection procedures shall be designed to ensure the security and integrity of the specimen provided by each student and those procedures shall follow chain-of-custody guidelines.

A Medical Review Officer shall be designated to receive all laboratory results from every type of test and assure that an individual who has tested positive has been afforded an opportunity to justify the test result. If the MRO determines that there is no legitimate explanation for the positive result, such result will then be considered a verified positive test result.

When testing is accomplished by urinalysis testing, it shall be accomplished by split specimen collection. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, the split will be retained for testing if so requested by the student through the Medical Review Officer. When notified of a positive test result, a student may request a retest of the split specimen within forty-eight (48) hours of notification. The student will be responsible for the costs associated with the retest.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device. If the initial test indicates an alcohol concentration of 0.04 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be observed and performed between fifteen (15) minutes and no more than thirty (30) minutes from the completion of the original test.

### **Self-Reporting**

Students are expected to have the responsibility, accountability and competence to make positive choices that maintain and improve their physical, mental and spiritual well-being. Union University desires to assist all students in achieving their educational goals. With this in mind, Union University allows self-reporting of alcohol or drug abuse by those who have erred but wish to make responsible choices in the future.

The student may self-report his or her violation of this policy, except where it is done to evade an unannounced, random drug test. Self-reporting will also not be allowed after a test has been taken but prior to the results.

The student will only be given one opportunity to self-report. When a student self-reports it will be treated as a first "positive" test.

### **Disciplinary Procedures**

- Failure to report for testing

Students who fail to report for testing will be suspended until they are in compliance with the wellness policy. Failure to achieve required clinical hours for any course will result in failure of that course.

- First “positive” test

Students receiving a first “positive” test for alcohol or drugs will be suspended and referred for evaluation by an appropriate and approved assistance program. After receiving appropriate recommendations and/or completing treatment, the student will be reinstated to continue with the original cohort or will be reenrolled with a later cohort. The student will be responsible for complying with all recommendations made by the assistance program. The testing results will be reported to the appropriate state licensing board either by Union University or the approved treatment facility, if applicable. Upon reinstatement or reenrollment, a student is subject to random testing or monitoring testing as indicated in the treatment plan and/or in accordance with this policy. If the duration of the student’s suspension is unresolved at the end of the semester, the student will receive an incomplete (“I”) for that semester’s classes. If the student withdraws from the academic program and University, those incomplete grades will be converted to F’s. If the student is reinstated to continue in the academic program, the incomplete grades will be replaced with permanent grades once the course requirements are fulfilled. Failure to attend or cooperate with recommendations made will subject the student to being dismissed from the program.

- Second “positive” test

Students receiving a second “positive” test will be dismissed from their academic program and the University. All courses that the student is enrolled in will be given a grade of an “F.”

The following are additional disciplinary consequences:

- Any violation of this policy that causes injury, illness or mortality for a patient will result in automatic and immediate dismissal from their academic program and the University.
- A “refusal to test,” as defined by this policy, will be treated as a “positive” test.
- The University reserves the right to suspend any student who has been arrested for criminal offenses related to the manufacture, possession, sale, use, distribution, dispensation, receipt or transport of any illegal substance pending resolution of the charges to the University’s satisfaction. A verdict of guilty will result in dismissal from their academic program and University. At the conclusion of any matter involving the arrest of a student for the aforementioned criminal offenses, the University reserves the right to discipline the student in accordance with the evidence presented in the matter.

### **Alcohol/Drug Related Convictions**

Students who are convicted of any alcohol or drug related violation under state or federal law or who plead guilty or nolo contendere (i.e. no contest) to such charges must inform the University in writing within five (5) days of the conviction or plea. Failure to report a conviction will result in disciplinary action, up to and including dismissal from their academic program and University.

### **Cost of Process**

Students are responsible for and will be charged a one-time fee for costs associated with enrollment and randomized drug testing. Students will be charged a separate fee for any additional drug testing such as pre-clinical, reasonable suspicion, post incident or participation in approved assistance programs, outpatient and/or

inpatient recommended treatment plans and follow-up. Failure to comply will result in dismissal from the program.

### Miscellaneous

- While it is the desire to the University to promote a wellness plan that supports the grace filled community of the University, there are many external factors (e.g. licensing boards and clinical facility requirements) that may prohibit the student's ability to complete program requirements and may therefore result in program and University dismissal. If this occurs, the University is not liable for any effects this may cause in being unable to foster the student's completion of the program's academic requirements.
- If a student is allowed to reenroll in the academic program, an individualized plan will be established by the chair, program director, and/or dean in providing an avenue to promote academic success. The student will have the option to abide by the plan or withdraw from the academic program and University. Reinstatement to continue with original cohort may occur if the suspension is cleared promptly within the semester it occurs. Re-enrollment to continue with a subsequent cohort may occur if the suspension is cleared after more than one semester.

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**Union University  
Student Alcohol and Drug Testing Policy  
to Maintain Wellness**

**Consent to Test Form**

I understand fully that my performance as a student at Union University and the reputation of Union University are dependent, in part, on my conduct as an individual.

I hereby acknowledge that I have received a copy of the student Alcohol and Drug Testing policy To Maintain Wellness and that I have read and understand it.

I hereby agree to accept and abide by the standards, rules and regulations set forth by Union University and the academic program.

I authorize Union University to conduct all related alcohol and drug tests that are subject to the policy, including random drug tests. I further authorize and give full permission to have the University and/or its personnel send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the University and/or to any governmental entity involved in a legal proceeding or investigation connected with the test.

I also authorize the release of information concerning the results of such tests to designated University personnel, its clinical partners, to any assistance program to which I may be referred, and to the appropriate licensing boards, if applicable.

I will hold harmless Union University, its personnel and any testing laboratory the University might use, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of right to participation in the academic program, ineligibility to test for the national certification exam, employment or any other kind of adverse action that might arise as a result of the drug or alcohol test, even if a Union University or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results. I will further hold harmless Union University, its personnel and any testing laboratory the University might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

I understand that this consent form remains in effect during my enrollment in a health-related academic program at Union University.

Date: \_\_\_\_\_

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Printed Student Name