

# New York University

## UNIVERSITY POLICIES

**Title:** Drug- & Alcohol-Free Workplace Policy – New York, District of Columbia, & California  
**Effective Date:** January 18, 2019  
**Supersedes:** December 5, 2016  
**Issuing Authority:** Executive Vice President  
**Responsible Officer:** Human Resources

### **Statement of Policy**

New York University-New York, Washington, D.C., and California (collectively, “NYU” or “the University”) is committed to protecting the safety, health, and well-being of the workplace. To that end and in accordance with the Drug-Free Workplace Act of 1988 and applicable regulations and guidelines, the University has established the following drug- and alcohol-free workplace program.

### **To Whom the Policy Applies**

This Policy applies to University employees, interns and volunteers, and to other individuals who provide services to the University (collectively, “covered parties”).

### **Definitions**

“Controlled substance” means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 C.F.R. 1308.11–1308.15.

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

“Criminal drug statute” means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

### **Policy and Procedures**

#### **Controlled Substances**

This Policy prohibits the use, possession, manufacturing, distribution, and/or dispensing of controlled substances during the hours in which:

- an employee is representing or working for the University, or attending a University-sponsored event, on University property or offsite;
- an intern or volunteer is participating in a University-sponsored program, or attending a University-sponsored event, on University property or offsite; or
- any other individual is providing services to the University, or attending a University-sponsored event, on University property or offsite.

(Collectively, “Prohibited Drug Conduct”).

### **Alcohol**

It is not a violation of this Policy for covered parties over the age of 21 to engage in the responsible and legal provision and moderate consumption of alcohol at a University-sponsored event, to the extent that such provision and consumption is otherwise permitted at the event and does not result in a covered party’s intoxication or working under the influence of alcohol. While at a University-sponsored event, covered parties must continue to comply with all applicable University policies and conduct rules.

Notwithstanding the above, this Policy otherwise prohibits the consumption of alcohol during the hours in which:

- an employee is working for the University on University property or offsite;
- an intern or volunteer is partaking in his or her responsibilities in a University-sponsored program on University property or offsite; or
- any other individual is providing services to the University on University property or offsite.

(Collectively, “Prohibited Alcohol Conduct”).

### **Notification of Convictions**

Any covered party who is convicted under a criminal drug statute for engaging in Prohibited Drug Conduct must notify the appropriate University Human Resource (“HR”) Officer/HR Business Partner in writing within five (5) calendar days of the conviction. The University will take appropriate action (as defined below) within 30 days of notification.

To the extent that an employee is working under a federal contract or grant, the University will notify the appropriate contracting officer within 10 calendar days of receiving notice of the employee’s conviction. The notice must include the convicted employee’s position, title, and grant or contract identification number. The University must notify the appropriate contracting officer regardless of how it learned of the employee’s conviction (*i.e.*, by the employee, a co-worker, the newspaper, etc.).

## **Consequences**

Should a covered party violate this Policy, the University may take appropriate disciplinary action based on the severity of the violation (up to and including termination of employment or services, as applicable), or any other appropriate action.

## **Assistance**

The University's Employee Assistance Program (EAP) offers employees and their family members the opportunity to seek assistance with alcohol and drug problems. For more information on the EAP, please visit: <https://www.nyu.edu/faculty/life-wellness/employee-assistanceprogram.html>.

## **Confidentiality**

All information received by the University through the drug and alcohol-free workplace program will be kept strictly confidential, with access limited to those who have a legitimate need to know to comply with applicable laws and policies.

## **Other University Policies**

For more information on University policy regarding substance abuse and alcoholic beverages, please visit:

<https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/substance-abuse-and-alcoholic-beverages.html>.