

University of Scranton
Institutional Policy

Drug-free Workplace Policy

Executive Sponsor:
General Counsel's Office
Responsible Office:
Office of Human Resources
Originally Issued:
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I. Policy Statement

The University of Scranton is committed to the maintenance of a drug-free environment in accordance with the Drug-Free Workplace Act of 1988, 34 CFR Part 85, and will not tolerate the unlawful possession and use of controlled substances on its premises. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in and on University of Scranton owned or controlled property by faculty, staff or student employees. Reason for Policy

II. Entities Affected by This Policy

Full-time, part-time, and per-diem employees

III. Website Address for this Policy

[The Office of General Counsel](#)

IV. Related Documents, Forms, and Tools

- a. Drug-Free Workplace Act of 1988, 34 CFR Part 85
- b. Controlled Substance Act, 21 U.S.C. 812, as further defined by regulations at 21 CFR 1300.11 through 1300.15
- c. Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et-seq.
- d. To contact Bree Health EAP call 1-800-EAP-CALL (1-800-327-2255) or log on at www.nexgeneap.com and enter Company ID: 1549 along with the employee's first and last name, email address, last 4 digits of the social security number, zip code and date of birth.

V. Definitions

The following terms are important for purposes of expressing the University's policy on a drug-free workplace:

- a. Controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15 and as defined in Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et-seq.
- b. Contract means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease or barter of property or services for the direct benefit or use of the federal government.

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- c. Conviction means finding 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.
- d. Criminal drug statute means a federal or state criminal statute involving the manufacture, sale, distribution, dispensation, use or possession of any controlled substance.
- e. Employee means any faculty, staff or student receiving a salary, wages, other compensation and/or stipend support from the University.
- f. Federal agency or agency means any United States executive department, military department, Government Corporation, government-controlled corporation or any other establishment in the executive branch, or any independent regulatory agency.
- g. Grant means an award of financial assistance, including a cooperative agreement, in the form of money or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs. The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families or survivors by virtue of the service of a veteran in the Armed Forces of the United States.
- h. Grantee means a legal entity which applies for or receives a grant or contract directly from a federal agency.
- i. Illegal use of drugs means the use of a controlled substance, as defined above.
- j. Workplace means the physical boundaries of the University and all University owned or controlled property.

VI. Policy

It is the policy of the University that the illegal manufacture, sale, distribution, dispensation, possession or use of drugs is prohibited on its premises. Sanctions imposed for violation of this policy are indicated below.

In support of this policy, the University:

- A. Provides an Employee Assistance Program, Bree Health EAP. This third-party confidential resource offers the services of Licensed Mental Health Professionals to (1) provide short term counseling focused on coping skills or, (2) make appropriate referral to long-term counseling or specialized care. To contact Bree Health EAP call 1-800-EAP-CALL (1-800-327-2255) or log on at www.nexgeneap.com and enter Company ID: 1549 along with the employee's first and last name, email address, last 4 digits of the social security number, zip code and date of birth.
- B. Will provide each employee with a copy of this policy. In addition, employees and students will be notified of this policy through appropriate publications.
- C. Will notify each university employee and each student employee that, as a condition of employment on a federal grant or contract, the person once employed must abide by the terms of the policy.
- D. Will require any employee convicted of any criminal drug statute violation which has occurred in the workplace to notify their supervisor or appropriate academic officer, preferably in writing, of such conviction, including any resultant conditions, within five (5) days of the conviction.

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- E. Will require each academic officer, supervisor or student employment official having knowledge of or receiving notification of a conviction as described above to immediately notify in writing to the Vice President for Human Resources. Under certain conditions the Vice President for Human Resources will notify the appropriate academic official.
- F. Will notify the appropriate federal agency within 10 days after receiving notice of a criminal drug statute conviction of any University employee engaged in the performance of the grant or contract.
- G. Will impose sanctions on or require satisfactory participation in a drug abuse assistance rehabilitation program by, any employee so convicted.
- H. Will make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.
 - a. Application of Policy: The Drug-Free Workplace Policy, which applies to all persons in the University workplace, is supported by a drug awareness program available to the faculty, staff and students of the University. Specific compliance and reporting items enumerated in the policy (items B, C, D, E, and F) are applicable to all persons employed on federal contracts and grants.
 - b. Implementation: Implementation of this policy is the responsibility of the Office of Human Resources and other offices as appropriate.

Penalties for Violation of the Policy

The University policy prohibiting illegal drugs in the workplace is a protection of, and support for, the employees and students of The University of Scranton. Therefore, any employee convicted of a drug offense occurring in the workplace will be subject to disciplinary action (up to and including suspension, suspension without pay and termination) and may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as agreed upon between the employee and the Office of Human Resources. Further information concerning disciplinary action and appropriate procedures is available from the Office of Human Resources.

Employee Assistance

The University of Scranton provides an Employee Assistance Program, Bree Health EAP. This third-party confidential resource offers the services of Licensed Mental Health Professionals to (1) provide short-term counseling focused on coping skills or, (2) make appropriate referral to long-term counseling or specialized care. To contact Bree Health call 1-800-EAP-CALL (1-800-327-2255) or log on at www.nexgeneap.com and enter Company ID: 1549 along with the employee's first and last name, email address, last 4 digits of the social security number, zip code and date of birth.