



Presidencia



Executive Order ADM. 16-06

September 30, 2016

**TO THE ENTIRE UNIVERSITY COMMUNITY
UCB INDEPENDENT CONTRACTOR**

POLICY FOR A LEARNING AND WORK ENVIRONMENT FREE FROM DRUGS, ALCOHOL AND TOBACCO

Introduction

Universidad Central de Bayamón promotes in the university community a safe and healthy environment that promotes the full realization and achievement of our mission and vision as a humanistic, Dominican and Catholic institution. The UCB, in accordance with federal and state laws, prohibits the manufacture, possession, consumption, sale and distribution of drugs on the premises of the University, and in any institutional activity outside the campus. The use of illegal drugs and the abuse of controlled substances can affect the physical and emotional health of the individuals and represents a serious personal risk, for other members of the university community and the community in general.

Legal Base

The policy on Drugs, Alcohol and Tobacco is adopted in accordance with the Public Laws of the Congress of the United States of America, Number 100-690, of November 18, 1988, and number 101-226, of December 12, 1989; "The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations; Puerto Rico Controlled Substances Act, Number 4, June 23, 1971; Law No. 59 of August 8, 1997, Law to Regulate Tests for the Detection of Controlled Substances in the Private Labor Sector; and Non-Smoking Law, No. 40 of August 3, 1993.

Scope

All students, administrative employees, faculty and independent contractors who offer services to UCB shall be responsible for observing the rules set forth in the UCB Regulation on Drugs, Alcohol, and Tobacco which is attached as part of this policy.

Purpose

The Policy for a Learning and Work Environment Free from Drugs, Alcohol and Tobacco has been adopted by UCB with the purpose of safeguarding a healthy learning and work environment free of the possession, consumption, sale and distribution of controlled substances or alcohol on the premises of the Institution. In addition, it establishes a disclose date for all prospective, new and active students and employees, our regulations prohibiting the use of illicit drugs, misuse of legal drugs, consumption of alcoholic beverages and smoking in places not permitted by The law of the State or the Institution. In addition, it prohibits individuals under the influence of alcoholic beverages from attending the workplace and classrooms.

Health Risks

Health risks associated with illegal use of drugs and alcohol according to the National Institute on Drug Abuse (2008 and 2011) states that the use and abuse of drugs and alcohol may have harmful health consequences that may be preventable. These consequences are divided into three areas

- Cognitive: Negative effects on attention, memory, learning and academic performance and possible reduction of intellectual level.
- Physiological: Damage to motor skills and functions. Damage to the systems of the human body. Possible increase of cancer, strokes, liver diseases and in case of intoxication damage in brain function.
- Social: Impairment of health, interpersonal relationships and ability to work

Definitions

Independent contractor - Any person or company that has a contractual relationship with the UCB in the form of Contract for Professional Services.

Illicit Drugs or Controlled Substances - Those included in Classifications I and II of Section 24 of Puerto Rico's Annotated Acts, as amended, known as the Puerto Rico Controlled Substances Act, or any other legislation of the Commonwealth of Puerto Rico or the United States of America, except for the use of controlled substances by prescription or other use authorized by law, such as over-the-counter medication. These may include, but are not limited to, narcotics, hallucinogens, depressants, stimulants, synthetic drugs or other substances capable of creating or maintaining adverse effects on people's physical, emotional, or mental states. They also include controlled medication for personal treatment purposes which do not have the corresponding prescription, issued and endorsed by a duly certified health professional, or whose use is not authorized by law.

Legal drugs or medications - Includes drugs prescribed by a physician; Medicines or remedies available over-the-counter, and alcoholic beverages. Medications prescribed by a physician constitute drugs that an individual may be taking under the supervision or direction of a duly certified health professional to meet a specific condition, whether physical, emotional or mental.

Employee - Any person employed by the UCB, including regular or indefinite administrative staff or full time faculty, or for undetermined time, temporary or determined time, full-time, part-time, or probationary period, subsidized by institutional funds, or subsidized by federal or external funds, or working in any other classification.

Student - Any person who has been admitted or officially enrolled in UCB in a semester or session.

Sample - A minimum of 45 ml of urine, or any other fluid or tissue of the body that is obtained non-invasively and is determined to meet the reliability and accuracy criteria accepted by the laboratories for initial and corroboration testing, and for the retention of a portion to enable the employee or student to perform their own corroboration test.

Unjustified refusal - refusal to submit to tests for the detection of controlled substances or alcohol or to cooperate to carry out such a test, as required. This may include, but is not limited to: not showing up at the place where the sample is taken without adequate justification; Leaving the place where the sample is taken without adequate justification; Leaving the workplace on the day of testing without an emergency and / or without prior notification of absence; Expressing denial to submit to the procedure; Not following orders or following instructions from the laboratory or officer in charge so that the sample can be conducted properly;

Altering the sample; Not taking an alcohol test immediately and no later than two (2) hours after being required.

UCB premises - all areas and land belonging to and under the control of UCB. These may include, but are not limited to: places where services are provided, parking lots, access roads within UCB premises, lockers and warehouses. Any area of study or work or any area for the use of employees, students, faculty, independent contractors, suppliers, visitors and / or tenants, as well as all personal property located within such properties. These include but are not limited to: classrooms, offices, sports facilities, library, conference rooms, hallways, restrooms, green areas, parking lots, cafeteria, grounds, buildings, institution sponsored activities, structures and / or movable and immovable properties located on the premises of UCB.

Prospective employee- any person identified as a result of a recruitment and selection process at the UCB, who has participated in an interview process and is extended an offer of employment.

Reasonable suspicion - Moral conviction that a specific person is under the effects, influence of alcohol or controlled substances, regardless of whether that fact is then confirmed or not. Such suspicion must be based on observable and objective factors, such as: direct observation of the use or possession of alcohol or controlled substances; Physical symptoms that indicate the influence of alcohol or some controlled substance; Repeated pattern of abnormal behavior or erratic behavior in employment. The reasonable and individualized suspicion should be established by two directors of the Institution of whom one must be the direct supervisor of the employee.

Prohibitions

All UCB students and employees are prohibited from consuming, using, manufacturing, selling, distributing, owning, working or studying under the influence of alcohol, or any controlled substance on the campus of the University, as well as in any activity sponsored by the Institution, within their study or work schedule. The use or consumption of any of the following controlled substances or articles designated for consumption is prohibited, but is not limited to:

- a. Illicit drugs or controlled substances;
- b. Non-prescription drug that may cause a negative side effect and jeopardize safety in the workplace or study environment;
- c. Synthetic drugs, or of a similar nature;
- d. Alcoholic beverages
- e. Drug paraphernalia; among others.

In addition, students and employees are prohibited from reporting to workplace or classroom, or to the premises of the institution under the influence of alcohol, according to considerations of institutional policies and regulations and federal, state and local legislation.

In addition, the use of tobacco, cigarettes and electronic cigarettes is prohibited within the Institution's premises in places established by state law.

Any student who incurs in a violation of this Policy will be subject to the application of penalties as stipulated by the Institution, federal legislation, state legislation and local legislation. These disciplinary measures may include, but are not limited to: in the case of employees, termination of employment, and in the case of students, expulsion from the Institution.

As a general rule, the consumption of alcoholic beverages will be prohibited. Only by exception, in institutional social celebrations previously approved by the Presidency of the Institution, in activities that

qualify. It should be framed within the university standard on moderate alcohol consumption. In student activities alcohol consumption will not be allowed. (Act No. 4 of June 23, 1971)

Responsibilities

All students and employees are required to attend the classroom or workplace free of the effects of controlled substances and alcohol and under optimum conditions that ensure the performance of their duties in a safe, and reliable manner, both for the individual and for the other members of the university community.

Any student or employee is responsible for promptly notifying the Dean of Student Affairs, Office of Human Resources, or the Director of Physical Facilities and Security of any incident or conduct of which he or she is aware or there is reasonable doubt that any member of the university community has incurred in a violation of this Policy.

Those students and employees who are using prescription drugs must carry them in their original container and use them according to the indications of the health specialist that prescribed them. Also, those students and employees who are using over-the-counter (OTC) medications must carry them in their original packaging and use them as directed by the manufacturer. However, inappropriate use, misuse or abuse of prescription drugs or "OTC" by the student or employee will be considered a violation of this Policy. In the event that there is a reasonable question on the misuse or abuse of a prescription drug or "OTC", UCB may consult a health professional about the effect of the medication on the student's or employee's abilities to perform safely and reliably. Any student or employee who is using prescription or over-the-counter medication should consult the effects with health specialist who prescribed it, and notify the Dean of Student Affairs or the Human Resources Office of the adverse effects (sleepiness, disorientation, dizziness, incoordination or any other effect on the senses) that these medications are causing or may cause.

In the case of students or employees who will be under the effect of any medication that affects their judgment or performance, the Dean of Student Affairs or the Human Resources Office should be notified as soon as possible. In the case of employees who need reasonable accommodation or adjustments in the performance of their duties, the Office of Human Resources will evaluate the possibility of other work alternatives until the employee can perform his or her duties in full. If it is not possible to grant a reasonable accommodation or adjustment, the employee may benefit from a sick leave. In the case of students, the petition will be evaluated by the Dean of Student Affairs in coordination with the faculty.

As a condition of employment Universidad Central de Bayamón reserves the right to submit any prospect student or employee for controlled substance testing. In addition, the Institution reserves the right to carry out preventive searches when there are well-founded grounds that could give rise to the existence of drug and / or alcohol effects in any member of the university community. Said searches shall be made in accordance with the Law, in order to preserve the confidentiality and reliability thereof. UCB will hire a reputable laboratory to conduct the tests and ensure protection against the possibility of contamination or to avoid errors in the analysis of the test. Any test that yields a positive result will be corroborated with alternate methods to ensure the highest degree of reliability of the results.

Any student or employee who unjustifiably refuses to be tested for controlled substances and / or alcohol will be prima facie evidence that the expected outcome would be positive if the test was conducted. In this case, it will be considered as a first violation and the process established in the Sanctions, First Violation section of this Policy will be followed.

To that end, the University's security staff will be trained in this area.

Sanctions

First Violation:

- a. Any member of the university community who is charged with a violation of these regulations will be notified in writing.
- b. The imputed person will be given the opportunity for a hearing to deny or accept the charges.
- c. From the outcome of the hearing, any of the following actions may be taken:
 1. Written warning.
 2. Suspension for determined time.
 3. Expulsion or termination of contract, as the case may be.
 4. Refer the person to a rehabilitation program.
- d. In the cases of employees, the aforementioned process will be followed by the Office of Human Resources; and in the cases of students, the Dean of Student Affairs.
- e. Any determination may be appealed, in writing, to the President within five (5) business days of receipt of the determination. The decision of the President shall be final, binding and non-appealable.

Second Violation:

- a. The accused or imputed person shall be notified, in writing, of the specific charges. The notice shall be made by the Office of Human Resources or the Dean of Student Affairs, as the case may be.
- b. The person charged shall have the opportunity for a hearing to deny or accept the charges.
- c. In any case in which the charges on a second violation are tried, the person in question will be expelled or dismissed.
- d. Any determination may be appealed, in writing, to the Chair, within five (5) business days after receipt of the determination. The decision of the President shall be final, binding and non-appealable.
- e. In the cases of people who voluntarily undergo treatment, they may be considered for reemployment or for reentry as a student, at the discretion of the Institution.

Conviction by a Court

- a. As a condition of employment or to study in the Institution, any employee or student who has been convicted of a violation of law related to the possession, use, distribution, or sale of drugs will be required to inform the University in writing. This rule shall also apply to any applicant for employment or studies.
- b. The institution will take action on expulsion, dismissal or other disciplinary or rehabilitative action with respect to the employee or student within thirty (30) days of notification of each conviction.
- c. The University will assist, in meritorious cases, the employee or student who wishes to obtain professional help.
- d. Any employee or student who fails to notify the University of any conviction, as mentioned in Section a, will be separated.

Penalties for illegal use of controlled substances:

In addition to the disciplinary sanctions contained in the Personnel Handbook and in the Student Handbook, any person, in this case employee or student, who breaches this Policy shall be subject to federal and state legal sanctions.

These include fines, jail or both. In addition, federal law provides for the loss of certain federal benefits (including financial aid) because of any criminal conviction for illegal action related to the use or trafficking of drugs.

A student shall not be a beneficiary of the Title IV Funds if convicted under state or federal law of any offense related to the possession, sale or transfer of controlled substances. Students convicted of any

offense related to the possession, sale or transfer of drugs under state or federal law will be immediately suspended from Title IV Funds (Pell Grant, Federal Loans, Study and Work, and others). Ineligibility begins from the day the student is convicted and has a duration according to the following table:

CRIME	DURATION OF INELIGIBILITY FUNDS TITLE IV
Possession of control substances	First offense - one year
Possession of control substances	Second Offense - Two Years
Possession of control substances	Third offense - indefinitely
Sale of controlled substances	First offense - two years
Sale of controlled substances	Second offense - indefinitely

Orientation and prevention program:

Periodically, orientation activities will be coordinated on the use and abuse of alcohol, drugs within and outside the university community. Guidance and support services will be offered through the Guidance and Counseling Center and the Employee Support Services Program (PAE) to those individuals with drug and / or alcohol use and abuse problems who so request it.

With the purpose of establishing strategies for orientation and prevention in the use of illicit drugs and alcohol and to promote the quality of life and healthy lifestyles, the institution has developed a Comprehensive Plan for the Prevention of the use of Drugs and Alcohol ascribed to the Guidance and Counseling Center. This Plan includes informational material on the health risks associated with the use of illicit drugs and alcohol. Guidance and Counseling Center shall be responsible for implementing the recommended intervention plan to identify employees or students with alcohol use problems and evaluation strategies for their effectiveness. It extends to the entire institutional community and will be evaluated every two years to measure its effectiveness. Guidance and Counseling Center, in coordination and collaboration with the Office of Human Resources and the Dean of Student Affairs, shall be responsible for ensuring the disclosure, implementation and biennial evaluation of the Plan.

Among the strategies included in the Plan is the annual disclosure of the Institutional Policy to maintain a learning and work environment free from drugs, alcohol and tobacco for all employees and students. The distribution of printed information related to the prevention of drug use and alcohol abuse is conducted through the Counseling and Counseling Offices, University Pastoral, First Aid and Human Resources Office. These offices will be responsible for offering and coordinating orientations, talks and information desks as proactive prevention mechanisms. In addition, activities will be coordinated with external resources to provide information to the institutional community concerning this issue.

The student or employee who openly admits to problems with Drugs and Alcohol may be referred to the Government Agency (Administration of Mental Health and Addiction Services) or the Department of Health of Puerto Rico or Private Organizations such as Homes CREA (Community of Reeducation of Addicts), Teen Challenge or others.

The Regional Offices of the following entities can be found at:

Oficinas Regionales	
Hogar CREA – Río Plantation	Km 0.9 Carr. 872 Río Plantation Bayamón, Puerto Rico 00961 Tele.: 787-798-8856
AMSCA – Línea de Orientación	M-37 Calle 9 Urb. Villas de San Agustín II, Bayamón PR 00959 Tel. 1-800-981-0023
Teen Challenge -	Carr. 2 Km 7.70 Bo Juan Domingo Bayamón, Puerto Rico, 00966 Tel. (787) 730-6976
Alcohólicos Anónimos – AA, PR	<p>Grupo Bayamón</p> <p>Dirección: Iglesia Luterana Sion, Calle Comercio #211 Horario: lunes 11:30 a.m. (CE), Miércoles 8:00 pm (CE), Jueves 11:30 a.m.(CE), Viernes 11:30 a.m. (AB), Sábado 8:00p.m. (AB) Acceso para impedidos: Sí</p> <p>Grupo La Familia Dirección: Escuela Mariano Feliú Balseiro (Carr. # 831, Esq. Ave. Laurel, Lomas Verdes) Horario: martes 8:00 p.m. (AB), Viernes 8:00 p.m.(CE) Acceso para impedidos: Sí</p> <p>Contacto: Piña 787 405-9912</p> <p>Grupo La Santa Cruz</p> <p>Dirección: Escuela Virgilio Dávila (Frente al parque de pelota, Carr. # 864)</p> <p>Horario: martes 8:00 p.m.(CE), viernes 8:00 p.m. (AB) Acceso para impedidos: Sí</p> <p>Grupo Lomas Verdes Dirección: Parroquia La Sagrada Familia -Calle Caracas y Valparaíso HA-468 – Urb Forest Hills Horario: lunes 8:00 p.m.(CE), jueves 8:00 p.m. (AB) Acceso para impedidos: Sí</p>

DISCLOSURE PROCEDURE

Universidad Central de Bayamón in compliance with the DFSA that establishes that every university institution must disclose information annually related to the Regulation on: Drugs, Alcohol and Tobacco establishes the following calendar:

- Students and Active Employees - On or before October 1 of each year, they will receive the Institutional Disclosure Documents or the Annual Disclosure Report, as applicable, with information relevant to the Drug, Alcohol and Tobacco Regulations.
- New Students and Employees - In the Initial Orientation, every employee and new student will receive the Institutional Disclosure Documents or the Annual Disclosure Report, as applicable, with information relevant to the Drug, Alcohol and Tobacco Regulations. It is distributed on a CD with an acknowledgment of receipt.
- Prospective Students - Any person who is interested in studying at UCB and requests information related to offers, financial aid, among others, will be considered a prospective student. The printed information material includes the statement "For more information about the UCB please access Disclosure of Institutional Documents.
- Prospective Employees - Any person attending a job interview is considered a prospective employee. Every prospective employee will receive the Annual Disclosure Report where relevant information is found in the Drug, Alcohol and Tobacco Regulations. It is distributed in printed format with an acknowledgment of receipt.

Confidentiality

All tests and medical examinations will be carried out in a clinical laboratory contracted by UCB, in order to avoid the disclosure of inside information related to the results. UCB undertakes to keep in a strictly confidential file separate from the employee's Human Resources file and student's academic file the results of lab tests. These results may not be shared in any criminal proceedings against the employee or student without written authorization from the employee or student.

Effective:

This policy shall take effect immediately and supersedes any other guidelines, rules, policies or procedures that are in contrast to the provisions herein.

Approved:


Lillian Negrón- Colón, Ph.D.
President

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