GUIDELINES IN THE MANDATORY DRUG TESTING FOR ALL EMPLOYEES OF ATENEO DE DAVAO UNIVERSITY

RESOLUTION

WHEREAS, it is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills;

WHEREAS, the drug problem in the Philippines continues to remain as a serious national concern that permeates both the public and private sectors, not only as a security issue but also as a health concern that affects social, emotional and psychological as well as economic well-being of the citizenry;

WHEREAS, the Ateneo de Davao University adheres to the policy of the State and supports the government's campaign against illegal drugs, remains compliant with applicable laws and regulations designed to ensure that the workplace is free of illegal drugs;

WHEREAS, the University recognizes the inherent value and dignity of each person, commits to provide transformative interventions and support mechanism for its employees who are diagnosed as drug user or dependent;

WHEREAS, the University encourages the whole Ateneo community to engage in the fight against the evil of drug addiction, to help employees overcome the bad habits due to drug addiction and engage in the good;

WHEREAS, the University commits to provide assistance to those who will seek for intervention and sets parameters as condition for continuing employment total rehabilitation to ensure a safe, secure and healthy working environment in the University;

WHEREFORE, in compliance with R.A. No. 9165, and in order to ensure a drug-free workplace, the Ateneo de Davao University hereby adopts and issues the following guidelines on the conduct of authorized drug testing for all its employees:

Section I. OBJECTIVE

These guidelines are formulated for the purpose of aiding the government in addressing the drug problem in the country. Consistent with the provisions of the law and existing regulations, its aims to determine the prevalence of drug-use, if any, inside the Ateneo de Davao University community, for the purpose of facilitating and ensuring that everyone in the University will be free from use and dependence to any dangerous drugs.
Section II. DECLARATION OF PRINCIPLES

In accordance with the guidelines issued by the Dangerous Drugs Board, these Guidelines for the Conduct of the Mandatory Random Drug Testing shall be guided by the following principles:

1. The random drug testing is suspicion-less in character. No person shall be chosen as a subject for the random drug testing on account of his or her being suspected of having taken or using any dangerous drugs.

2. The mandatory random drug testing shall be implemented primarily for prevention, rehabilitation, and pastoral care. It is also implemented for the purpose of reducing the risk associated with drug-use in the university. It is done to achieve the goal of a drug-free university.

3. The drug-testing results obtained under these guidelines shall be treated with utmost confidentiality and shall not be used in any criminal proceedings against the persons found to be positive. The random drug testing shall guarantee and respect the personal privacy and dignity of the subjects.

4. The University, through the CAID, shall explain the objectives of the conduct of the mandatory random drug testing to all members of the units covered, and, when appropriate, to the parents.

5. In accordance with the provisions of the law and the guidelines issued by the Dangerous Drugs Board, the primary responsibility and role of the family shall be recognized, and that family and parental involvement in the implementation of drug education, random drug testing, treatment and rehabilitation of drug users and dependents shall be pursued.

Section III. SCOPE AND COVERAGE

These guidelines shall cover all employees of the University, regardless of employment category and status.

These guidelines shall not cover employees of outsourced services providers. However, the agencies shall reflect a drug use policy clause in their contract.

Section IV. DEFINITION OF TERMS

Subject – the person from whom the urine, blood or other biological specimen to be tested for the presence of dangerous drugs, is taken or will be taken. For the purpose of these guidelines, the subject shall refer to all employees identified as a result of the random selection process adopted by the Selection Board.

Outsourced Services Employees – refers to employment covered by a contract such as janitorial, security, or consultancy services where no employer-employee relationship exists;

Drug Testing Coordinator – the Director of Human Resource Management and Development Office (HRMDO) or whoever is appointed by the University President
to handle matters related to the conduct of the mandatory random drug testing in the Ateneo de Davao University.

**Selection Board** – the Board shall be composed of:

The CAID Director as Chairperson, the Director or representative from the HRMDO, representative from each of the employees’ union;

The Data Protection Officer (DPO) of the University shall sit in a non-voting capacity for each of the foregoing Board.

**Random Selection** – the unbiased process of selecting the subjects who will undergo the mandatory random drug testing.

**Random Screening Testing** – a method of the actual conduct of drug testing without prior notice of the date, time and venue.

**Confirmatory Test** – An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.

**Chronic User/Drug Dependent** – a person identified for using drugs / other substances (mind-altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.

**Dangerous Drugs** – Include those identified and listed in R.A. No. 9165 and its annexes, subject to any reclassification, addition or removal of any drug from said list by the Dangerous Drugs Board, in accordance with Section 93 of R.A. No. 9165.

**Drug Dependency Examination** – refers to the examination conducted by an accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of the criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.

**Drug Test** – the process undertaken to determine the presence of dangerous drugs in a person’s system, to include both screening test and confirmatory test.

**Experimenter** – a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.

**Occasional User** – a person who indulges in drug use to create or enhance experience in any social setting.

**Rehabilitation** – a dynamic process including aftercare and follow-up treatment directed towards the physical, emotional/psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible to his/her capabilities and potentials, and become a law abiding and productive member of the community.
Section V. PRE-EMPLOYMENT DRUG TESTING

Drug testing from an accredited drug testing agency shall remain a pre-employment requirement for employees. Any applicant found positive for drug use shall be denied employment in Ateneo de Davao University.

Section VI. SCHEDULE AND SAMPLING PROCEDURE

1. The mandatory random drug testing shall be conducted at least once every school year. The schedule of the conduct and frequency of the testing shall be determined by the CAID, with the approval of the University President. The Selection Board shall conduct the random selection of those to be tested on the day, or at least a day prior to the intended date of testing. The Selection Board shall ensure the confidentiality and integrity of the random selection process.

2. The whole population of employees will be used in determining the sample size for each unit. Stratified random sampling method will be used in the sampling process. The stratification shall be based on employment category and employment status.

3. In accordance with the guidelines issued by the Dangerous Drugs Board, the size of the sample (the number of respondents) shall be based on the statistical significance or confidence level of 95%, with at most, a margin of error of 5%. The samples of randomly selected subjects shall be at least ____. The formula to be used shall be based on the Empirical Rule.

4. The selection process of the sample shall be done randomly through lottery. Random selection will be done by the Selection Board convened by the CAID. The selection shall primarily be done using the electronic raffle system. In the absence, a manual method may be used, provided that the integrity, confidentiality and randomness of the process will be ensured. The computation for the sample size and the stratified random sample size shall be incorporated in the electronic raffle system, if possible.

5. Subjects who were randomly selected but are absent on the testing day shall no longer be replaced.

Section VII. CONDUCT OF DRUG-TEST

1. The drug test will be conducted inside the university premises. The Department of Health (DOH), with the help of the University Clinic Personnel or other individuals duly authorized by the CAID, shall assist in the conduct of the drug testing. The security and privacy of employees shall be guaranteed and assured in the area of testing.
2. The test kit should be able to test for the presence of shabu, marijuana, and when resources permit, shall also include tests for the presence of ecstasy, and other party drugs, in the urine of the sample source. The pH level of the urine sample may also be tested. Prior to testing, the subjects shall be asked to reveal any prescription medicines, vitamins, food supplements that they had taken within the past five (5) days. The said information shall be used in the evaluation of the confirmatory drug test. The form used by the DOH shall be provided and used for this purpose.

3. All personnel and members of the Selection Board involved in the conduct of the drug testing shall ensure the confidentiality and integrity of the random drug testing. They shall be required to execute an undertaking for the said purpose, and shall strictly adhere to all protocols stated herein, and all the other protocols that may promulgated in the future.

4. The procedure set by the Implementing Rules and Regulations of RA 9165 or those established by the professional practice of the Department of Health shall be used in the actual collection of the sample.

Section VIII. TREATMENT OF THE RANDOM DRUG TEST RESULTS

1. The results of the test shall be strictly confidential. The individual results, whether positive or negative, shall not be published. Access to such results shall be restricted.

   Any violation of this rule on confidentiality of the results and selection shall be ground for administrative action, without prejudice to the filing of appropriate criminal charges under Section 72 of the RA 9165, and other applicable laws.

2. The drug test result shall be placed in a sealed envelope, which shall be placed in a sealed cabinet. Such cabinet shall be accessible only to the Director of CAID and the DPO.

3. The designated Drug Testing Coordinator, together with a Guidance Counselor shall call for a conference with the subject and inform them individually of the test results. In case the test results are positive, the Drug Testing Coordinator, shall inform the subject, and the process for the conduct of the confirmatory test shall be conducted.

4. During the scheduled conference, the Drug Testing Coordinator shall relay to the subject the full information on the process that shall be undertaken for the confirmatory test.

5. The confirmatory test shall be conducted in the same manner as the initial drug test. The test results shall be given to the Drug Testing Coordinator, who shall
inform the subject of the results of the test. The Drug Testing Coordinator shall not delegate such task of informing the subject, to any other person, nor shall the he/she reveal the results to any person other than the subject, and in case of student, the parent.

6. The results of the confirmatory drug test result shall not be a ground for dismissal, expulsion or any other disciplinary action against the subject. However, the subject, with due consent, shall be referred for an appropriate intervention and rehabilitation process as may be determined by the Interdisciplinary Case Management Committee (ICMC).

7. In case the subject opts to avail of the services outside of the University, the fees incurred shall be at his or her expense.

8. Information on the results of the tests shall only be extended to the individuals mentioned herein and only as to those specific level of participation.

9. The drug test result shall be kept on confidential record by the Human Resource Management and Development Office which may only be accessed by the Director.

Section IX. INTERDISCIPLINARY CASE MANAGEMENT COMMITTEE (ICMC)

1. An ICMC shall be convened and established for the purpose of creating and designing support intervention for those found to be positive. The programs and intervention created and designed by the ICMC shall be submitted to the CAID for review and deliberation. The CAID, after due consultation with the ICMC, shall submit the programs and intervention to the University President for approval. The ICMC shall be composed of the Director of CAID who shall sit as Chair of the committee, a nurse with expertise in Psychiatric Nursing, a faculty of the Social Work, a representative from the formation Office, COPERS, HRMDO, representative from each union or employee representative from each unit, and the University Clinic.

2. The assent or refusal of the subject as to support intervention shall be duly respected by the ICMC. The university will provide, if able and available, support intervention and services to those who seek for help.

Section X. INTERVENTIONS

1. Employees who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result from a confirmatory test and fail to challenge said result, shall undergo a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the DOH to
conduct said examination. They shall be subjected to following treatment and rehabilitation program:

A. Experimenter – Outpatient, guidance counselling

B. Occasional User – Outpatient, guidance counselling and regular monthly drug testing for six (6) months which shall be at the personal expense of public official or employee concerned.

C. Chronic User/Drug Dependent – Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH-accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drugs Board.

D. Other programs as may be recommended by the ICMC:

2. Time spent for counselling, regular monthly drug testing, rehabilitation and other forms of support intervention, if done during office hour, shall be charged against employee’s leave credits. For this purpose, as may be applicable, the employee’s leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be on leave without pay.

As proof of successful completion of the intervention program, the subject shall secure a certification of completion issued by his/her attending guidance counsellor, physician, and other professional who can attest the completion of the intervention program.

3. Any employee found to be a Chronic User/Drug Dependent, based on the results of the Drug Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave, if applicable, for the entire period of his/her rehabilitation. When the concerned employee’s sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.

4. The employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provisions of R.A. No. 9165 and existing rules of the Dangerous Drugs Board.

5. The employee concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances.
6. The employee concerned shall secure a certificate of completion of his/ her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return to work. Said employee shall not be allowed to report back to work without first submitting said certification and clearance to his/her agency.

Section XI. ADMINISTRATIVE LIABILITY

1. Employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of Grave Misconduct.

2. Employees who are not issued a certificate of completion (in the case of experimenter and occasional user) or a certificate of completion with clearance (in the case of a chronic user/drug dependent), shall be charged with the administrative offense of Grave Misconduct.

3. Any employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct.
   
   The charge of Grave Misconduct shall be grounded on the fact that said employee was tested positive of drug use and not on his/her refusal to undergo or failure to complete his/her treatment.

4. Employees who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program or shall be found to have used dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.

5. Any employee found to have tampered the result of a drug test or interfered in the conduct of the drug test or in the release of drug test results shall be charged with the administrative offense of Grave Misconduct.

6. Employees caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without prejudice to the filing of appropriate criminal charge/s under R.A. No. 9165 and other pertinent laws.

Section XII. MISCELLANEOUS PROVISIONS

1. Cost of the Kit. In accordance with the provisions of the guidelines issued by the Dangerous Drugs Board, the cost of the basic test kit shall be shall be borne by the government thru the DOH, or any other government agency, unless the university, in its interest, requests for a more extensive test, in which case, the difference in the cost of the test kit shall be borne by the University. In any case, the cost of the test kit shall be provided to all the students, employees, and administrators free of cost.

2. Enforcement and Compliance. Subjects who refuse to undergo mandatory random drug testing as provided in these guidelines shall be dealt with in
accordance with the rules and regulations of the University on compliance with policies, without prejudice to liability stated in Section 32 of Republic No. 9165. However, at no time shall refusal to undergo drug testing warrant a presumption of drug use or dependency.

3. Reportorial Requirements to Government Agencies. In compliance with the regulations issued by the Dangerous Drugs Board, the aggregate test results shall be submitted to the appropriate government agencies. The said aggregate test results shall not include nor reveal the identities of the subjects tested.

Section XIII. REPEALING CLAUSE

All University memoranda, orders, instructions, and policies inconsistent with these guidelines shall be deemed accordingly repealed, but those provisions which are not inconsistent with these guidelines shall remain valid and binding.

Section XIV. EFFECTIVITY

These Guidelines shall be effective after the approval of the University President and publication inside the University premises for a period of ten (10) calendar days. Further, these Guidelines shall be incorporated in the Employees’ Manual of the University.

APPROVED this _______ of November 7, 2018, at Davao City, Philippines.