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Smoking and Drug Policy for the Appalachian School of Law

A Research Paper

Presented to the Graduate Faculty of

The Department of Occupation and Technical Studies

at Old Dominion University

In Partial Fulfillment

of the Requirements for the

Master of Science Degree

By


Alicia Lee O'Quin

May 5, 2001

SIGNATURE PAGE

This research paper was prepared by Alicia Lee O'Quin under the direction of Dr. John M. Ritz in OTED 636, Problems in Occupational and Technical Studies. It was submitted to the Graduate Program Director as partial fulfillment of the requirements for the Degree of Master of Science in Occupational and Technical Studies

Approved By:



Dr. John M. Ritz
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7-11-01
Date

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Alicia Lee O'Quin

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CHAPTER I

INTRODUCTION

The Appalachian School of Law, located in Grundy, Virginia, is applying to the Appalachian Regional Commission (ARC) for a second grant and to the American Bar Association (ABA) for Accreditation. Paramount to both the preceding events occurring, the Appalachian School of Law must create a clear and comprehensive smoking and drug policy that is in compliance with State and Federal Regulations and is consistent with policies at other accredited law school in the state of Virginia.

STATEMENT OF PROBLEM

The problem of this study was to develop a smoking and drug policy for the Appalachian School of Law.

RESEARCH GOALS

The goals identified to guide this study were:

1. To identify the guidelines for grant funding from the Appalachian Regional Commission and the standards for accreditation from the American Bar Association.
2. To review State and Federal Regulations governing the use of tobacco and drugs in the workplace.
3. To identify smoking and drug policies available at the accredited law schools in Virginia.
4. To prepare a smoking and drug policy for the Appalachian School of Law.

BACKGROUND AND SIGNIFICANCE

“The Appalachian School of Law was created in 1994 as an independent not-for-profit educational institution located in the Town of Grundy, Virginia (Appalachian

School of Law Catalogue, 1999-2000, p. 9). The law school recently graduated its first class of students in May 2000. At this time, there were thirteen full-time faculty, twenty-two support-staff, eight part-time employees, and ninety-five students at the law school.

The Appalachian School of Law will be applying for a second grant for Federal funds from the ARC. The ARC is a Federal organization established to convey grants to non-profit organizations in the Appalachian Region. The Appalachian Region is defined as the area including the Allegheny Mountain range, the Cumberland Plateau and the Clinch, Stone, Big A, and Pine Mountains.

Presently, there exists at the law school a generic drug use/abuse policy and no written smoking policy. The ARC, during the first grant application process, provided the framework for a smoking and drug policy in the form of a written statement. This form was signed by all employees hired between 1996 and 1998 but was never signed by any students. The form was required of all non-profit organizations receiving Federal funding as addressed in the U.S. Code of Federal Regulations, Title 48, Federal Acquisition Regulations System. The ARC also requires educational institutions that receive Federal funds to be designated as tobacco free campuses, which the law school complied with during the first grant receipt period (1997-1998). Because there is no smoking policy, smoking is occurring throughout the buildings and grounds of the law school campus.

The current drug policy for the Appalachian School of Law is now insufficient due to new tobacco and drug policy requirements placed on non-profit educational institutions that receive Federal grants as written in the updated Drug-Free Workplace Act of 1988 and the U.S. Code Acquisition Regulations. More stringent guidelines are

being placed on organizations that receive Federal Funds to create, monitor, and enforce workplace drug policies, and more stringent review processes are occurring to ensure compliance with the Act.

The ABA is the national accreditation organization for law schools in the United States. The ABA has specific guidelines, or standards, that all law schools must adhere to before accreditation can occur. There are 53 standards of compliance that law schools must comply with before being accredited. Inherent in these standards is the requirement that all new law schools applying for accreditation must create policies that are similar to policies established by existing accredited law school. The purpose for this requirement is to enable the ABA to collect consistent data from all accredited law schools, which is utilized to perform comparative statistics on all phases of law school operation. "Careful analysis of this information may identify problems a school is experiencing that calls for a special visit or some other form of assistance" (ABA Standards, p. 3).

The Appalachian School of Law has applied for accreditation on one other occasion. The ABA, during its last accreditation review of the law school, determined that of the 53 standards that must be met before a law school can become accredited, that the Appalachian School of Law did not comply with two of these standards. They were finances and quantity/quality of students. The issue of a written tobacco and drug policy did not arise during the first accreditation review. The administration of the law school has decided that a smoking and drug policy must be developed to ensure that this is not an issue during the next accreditation review.

LIMITATIONS

There are some limitations to the findings of this study. The limitations of the law and regulations will be used as the framework for the development of the policy. The Virginia Clean Air Act and the Federal law entitled Drug-Free Workplace Act of 1988 will guide the development of this policy as will Title 48 of the Code of Federal Regulations governing Federal acquisitions.

Faculty governance will guide the development of this policy. Administrative approval must also be given to the policy.

Another limitation will be the participation of the faculty, staff, administration and students of the law school who the policy will apply to. Because a formal policy has not been established and enforced, faculty, staff, administration and students have been allowed to use tobacco products anywhere in the buildings and on the grounds of the campus. Also, alcohol at school social events on campus has occurred on a regular basis. There will be a reluctance and resistance to the establishment of a policy that limits or eliminates the use of tobacco and alcohol on campus.

ASSUMPTIONS

There exists a need to establish a smoking and drug policy at the Appalachian School of Law. The two driving forces behind the need for creating a smoking and drug policy is that a policy must be in place before an application is submitted to the ARC for Federal funds and an application for accreditation is approved by the ABA. It is necessary to assume that the law school will not receive grant funding unless a policy is written and approved by the Board of Trustees of the law school. The policy must be

read, and a certification form signed by all faculty, staff and students in order to comply with the Drug Free Workplace Act of 1988.

Because the ARC is a Federal grant funding organization, specific language must be included in the smoking and drug policy of organizations receiving such funding. The specific language is written in the Federal Acquisition Regulations System, Title 48, Subpart 23.5 – Drug Free Workplace.

PROCEDURES

The smoking and drug policy requirements of the ARC and the ABA will be obtained. The Federal Acquisition Regulations System and the Drug-Free Workplace Act of 1988 will be reviewed. State regulations regarding smoking and drugs in the workplace will be researched and included in this study.

In order to gather information for existing policies, the law schools located in Virginia will be contacted to obtain copies of their policies. There are seven accredited law schools in the State of Virginia.

DEFINITION OF TERMS

There are some terms that need to be defined so that the reader of this study can more fully understand the problem and the results of this study. These terms are the framework for the problem, research goals, and recommended policy.

The Appalachian Regional Commission (ARC) is an organization established to provide Federal funds to non-profit organizations in the Appalachian Region for economic diversification.

The American Bar Association (ABA) is the accrediting organization for law schools across the United States.

Drug Policy is a document that states the policy of the Appalachian School of Law and states the measures to follow if the policy is not followed.

Tobacco Policy is a document that states the policy of the Appalachian School of Law on the use of tobacco on campus and any subsequent consequences for violation of the policy.

OVERVIEW OF CHAPTERS

The Appalachian School of Law must establish a smoking and drug policy, which is ratified by the Board of Trustees of the law school and signed by all employees and students, before an application for funding is approved by the ARC and an application for accreditation is approved by the ABA.

It is imperative that the law school receive funding from the ARC in order to address one of the two standards that were not in compliance during the last ABA accreditation visit (i.e., finances). The ABA will review compliance with all standards for law school accreditation. Both the ARC and the ABA require smoking and drug policies for organizations applying for funding and accreditation.

The implications of the Appalachian School of Law not being accredited by the ABA are substantial. Students attending the Appalachian School of Law are ineligible for federal financial aid as long as the law school is unaccredited. This ineligibility for financial aid hinders recruiting and retention of students. At least ten donors have agreed to donate to the law school when, and only when, the law school is accredited. The law school will not be able to meet financial obligations (i.e., salaries, capital expenses, etc.), if monies are not received from sources other than tuition.

Literature review for this research paper includes the guidelines and standards of the ARC and the ABA. Federal and State laws and regulations were reviewed to include: the Drug-Free Workplace Act of 1988, the Code of Federal Regulations governing Federal Acquisitions, and the Virginia Clean Air Act. A review of the policies of the seven accredited law schools in Virginia was conducted. A comparison of these established policies with the ABA standards was done to ensure the policy drafted for the Appalachian School of Law is in compliance with the Standards.

The first step in the methods and procedures chapter of this study was to obtain statistical information via review of the policies of the seven accredited law schools in Virginia to determine what is included in each institution's smoking and drug policy. The next step was to determine what, if any, consistent language is included in all seven policies that are required by State and Federal Law. Also, abuse problems and remedies for these problems were identified as well as the measures each school implements for non-compliance to the policy.

A summary was drafted of the items that must be included in the policy and the conclusion is the final draft policy. A recommendation will be made on the policy in Chapter V of this study.

CHAPTER II

LITERATURE REVIEW

This chapter describes literature relevant to the research purposes of this paper. It is organized into three sections: (1) The guidelines and standards of the ARC and the ABA, (2) Federal and State Laws and Regulations governing smoking and drugs in the workplace, and (3) Smoking and drug policies of the seven accredited law schools in Virginia. At the end of each section, the relevance of the literature to the research reported in this paper is discussed.

GUIDELINES AND STANDARDS OF THE ARC AND ABA

The driving force behind the creation of a smoking and drug policy for the Appalachian School of Law is the requirements for such a policy under the guidelines and standards of the ARC and the ABA. In order to fully understand these requirements and to ensure consistency of the application of the requirements, a review of the history, mission and goals of both organizations was conducted.

“The Appalachian Regional Commission was established by Congress in 1965 to support economic and social development in the Appalachian Region (ARC, website, 11-01-00). The mission of the ARC “is to be an advocate for and partner with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life” (ARC, website, 11-01-00). Each year Congress appropriates funds, which ARC allocates among its member states. The projects that ARC funds include: “1. Developing a knowledgeable and skilled population, 2. Strengthening the Region’s physical infrastructure, 3. Building local and regional capacity, 4. Creating a dynamic economic base, and 5. Fostering healthy people” (ARC, website, 11-01-00).

The ARC is governed by the regulations of the U.S. Code. One such governing criterion is found under Section 654, the Drug-free workplace program rules for recipients of Federal funds. Because the ARC is an organization that helps Appalachian communities have the physical infrastructure necessary for self-sustaining economic development and improved quality of life, the organization encourages, through guideline requirements, a smoking and drug policy for organizations receiving funding.

“Since its inception in 1878, the American Bar Association has been concerned with improving the quality of legal education throughout the country. Following numerous studies of the educational programs available in the late 1880s and early 1900s, it was determined that a national process must be developed for ensuring the quality of education of the prospective lawyer” (ABA Standards, p. 1). The ABA Standards were developed to ensure that law schools are consistent in their application of the legal curriculum, provide a safe learning environment, and encourage a certain standard of moral beliefs that are congruent with the skills necessary to participate effectively in the legal profession” (ABA Standards, p. 3). The first item listed in the ABA Standards under the educational program provisions, is that a graduate must “understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice” (ABA Standards, p. 3). Because professionalism is an important part of a student’s legal educational studies, the ABA encourages, through the standards, the creation of a smoking and drug policy for faculty, staff, administration, and students of law schools seeking accreditation. In order to ensure the consistency of the application of the educational program and quality of life for students, the ABA requires law schools applying for accreditation to adhere to the

standards that are applicable to all accredited law schools in the Nation. The data from the application are utilized to prepare comparative statistics on all phases of law school operation, including quality of life.

Before an individual can take the Bar Exam in any state, an application regarding their character and fitness must be submitted to, and certified by, the educational institution where they received their juris doctor degree. Based on the criteria of the ABA standards, the application specifically designates “substance abuse” as one criterion for disqualification from taking the Bar Exam. This is another reason the ABA requires educational institutions to incorporate smoking and drug policies into their educational programs.

The relevance of the study of the guidelines and standards of the ARC and ABA is to determine what specific criteria must be included in the smoking and drug policy drafted for the Appalachian School of Law. Also, the basis for the creation of the policy is incorporated into these guidelines and standards. This information was communicated to the administration of the Appalachian School of Law to show a need for the policy.

FEDERAL AND STATE LAWS AND REGULATIONS GOVERNING SMOKING AND DRUGS IN THE WORKPLACE

The Federal Government under the U.S. Department of Labor conducted several studies about alcohol and drug abuse in the workplace. Some of their findings include: “Seventy percent of all illegal drug users are employed either full or part time. This suggests over 10 million people are current users of illicit drugs. One in twelve full-time employees reports current use of illicit drugs. One in every ten people in this country has an alcohol problem” (Working Partners, website, 11-01-00). As part of the Federal

government's efforts to address the issue of substance abuse in the workplace, the Drug-Free Workplace Act of 1988 was enacted as part of the omnibus drug legislation. "The Drug-Free Workplace Act of 1988 requires some Federal contractors and all Federal grantees to agree that they will provide drug-free workplaces as a condition of receiving a contract or grant from a Federal agency" (Drug-Free Workplace Advisor, website, 11-01-00). The Drug-free Workplace was established in Subsection 11-51.1 of the U.S. Code of Federal Regulations, Title 48—Federal Acquisition Regulations Systems. Under the provisions of the Drug-free Workplace Act, during the time of grant funding, the grantee agrees to:

- “(i) provide a drug-free workplace for employees;
 - (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - (iii) state in all solicitations or advertisements for employees placed by or on behalf of the grantee that the grantee maintains a drug-free workplace...”
- (Legislative Information System, p. 1).

The State of Virginia incorporated the Federal Regulations of the Drug-Free Workplace Act of 1988 into its laws for recipients of State funds and for all state departments and divisions. The Commonwealth of Virginia has as an objective “to establish and maintain a work environment free from the adverse effects of alcohol and other drugs” (DMME Employee Handbook, p. 12). The State has also gone one step further by addressing the issue of smoking in the workplace by creating under The Code of Virginia, Subsection 15.2-2801 – statewide regulations of smoking. Part D of this Subsection states that for educational institutions, “the proprietor or other person in charge of an educational facility... shall designate a reasonable no-smoking area,

considering the nature of the use and the size of the building” (Legislative Information System, website, 11-01-00).

In 1990, the Virginia Legislature passed the Virginia Indoor Clean Air Act.

Section 15.1-291.2, which states:

“Statewide regulation of smoking – A. The commonwealth or any agency thereof and every county, city or town, and its proprietors shall provide reasonable no-smoking areas” (Code of Virginia 1990, p. 38)”

Section 15.1-291.3 states:

“Responsibility of building proprietors and managers – The proprietors or person who manages or otherwise controls any building, structure, space, place, or area governed by this chapter in which smoking is not otherwise prohibited may designate rooms or areas in which smoking is permitted as follows:

1. Designed smoking areas shall not encompass so much of the building, structure, space, place, or area open to the general public that reasonable no-smoking areas, considering the nature of the use and the size of the building, are not provided;
2. Designed smoking areas shall be separate to the extent reasonably practicable from those rooms or areas entered by the public in the normal use of the particular business or institution, and
3. In designated smoking areas, ventilation systems and existing physical barriers shall be used when reasonably practicable to minimize the permeation of smoke into no-smoking areas” (Code of Virginia, 1990, p. 40).

The relevance of the review of both Federal and State Laws and Regulations is to ensure that the smoking and drug policy drafted for the Appalachian School of Law is in compliance with these laws and regulations. Because the greatest asset of an organization is its employees, it is the responsibility of the organization to protect that asset. Because the adverse effects of alcohol and other drugs in the workplace can create

a serious threat to the welfare of fellow employees and to the citizens of the United States, both Federal and State governments adopted laws and regulations governing smoking and drug use in the workplace. The Appalachian School of Law administration will use these same objectives in creating the smoking and drug policy for the law school.

SUMMARY

In summary, the literature review for this study included the guidelines and standards of the ARC and ABA, and applicable State and Federal Laws and Regulations governing workplace smoking and drug policies.

Studies by the Department of Labor have proven that smoking and drug abuse in the workplace affects not only the drug abuser but also the non-drug using employees and affects employee production. This literature review has identified sources for educational programs, which help employers develop and maintain an alcohol and drug-free workplace. This information will be used in the development of the policy for the law school.

This literature review helped identify wording that must be included in the draft policy that is consistent with the other accredited law schools in Virginia, will comply with State and Federal Laws and Regulations, and will meet the guidelines and standards of the ARC and ABA.

Chapter III of this study will describe the methods, procedures, and instrument design used to gather information to complete the findings chapter of this study.

CHAPTER III

METHODS AND PROCEDURES

Chapter III will describe the methods and procedures used in conducting the study. The chapter includes a description of the application and a description of the instrument used in gathering the data and how it was constructed. The procedures used for collating and treating the data will also be described.

POPULATION

Representatives from the Human Resource Offices of the seven accredited law schools in Virginia were contacted to obtain copies of their campus policies regarding smoking and drug use on their campuses. The seven accredited law schools in Virginia include: George Mason University School of Law, The JAG Corp., Regent University, University of Richmond, University of Virginia, Washington and Lee University, and William & Mary School of Law. All of these educational institutions have created smoking and drug policies that have been approved by the ABA.

INSTRUMENT DESIGN

A letter was sent to each human resource office of the seven accredited law schools in Virginia requesting identification of a representative to contact for information (see Appendix A). After contact with the representative and receipt of the policies for each institution, this researcher used an instrument to analyze the data. The instrument utilized in this study was in the form of a 5-point Likert Scale (see Appendix B), with 1 representing very low to 5 representing very high. The instrument was designed so that a comparison of policies of the seven accredited law school in Virginia could be done. Comparison items include:

1. Type of organizational structure
2. Type of smoking policy (i.e., no smoking, smoking)
3. Type of drug policy (i.e., no use on campus, use allowed)
4. Compliance with State and Federal Regulations
5. Measures for non-compliance to policy
6. Inclusion of a student or employee assistance program

The researcher, in order to determine what consistent language occurred in each policy and what language should be included in the policy drafted for the Appalachian School of Law, used the information gathered from the instrument to draft the required policy language.

DATA COLLECTION

The study was conducted during February 2001. Each human resource office of the seven accredited law schools in Virginia was contacted via letter to determine who would be the respondent to provide copies of the smoking and drug policies. When the name of the respondent was identified the researcher contacted each of the seven respondents to ask for their assistance in completing the study. An introduction letter was then faxed to each respondent (see Appendix C). A thank you letter for participation was sent to each respondent upon receipt of the policies (see Appendix D).

DATA ANALYSIS

Data analysis was done in the form of a matrix to compare the results (criteria) of the review of each smoking and drug policy for the seven accredited law schools in Virginia. The frequency of required information in the policies was obtained by using the Likert scale instrument. The total number of similar/required information occurrence was calculated to determine the required language for the law school policy.

SUMMARY

Chapter III presented a description of the population, instrument design, and data collection with statistical analysis to determine if the frequency of information contained in the smoking and drug policies of the seven accredited law schools in Virginia deviated from the required ABA, State, and Federal information for smoking and drug policies. The methods and procedures by which the research was conducted were presented in this chapter. The population, instrument design, data collection, and data analysis procedures were discussed.

The population included respondents in the human resource offices of the seven accredited law schools in Virginia. The study was conducted in February 2001. The instrument designed was a self-designed Likert Scale. The next chapter will present the findings of this study.

CHAPTER IV

FINDINGS

This study was conducted in order to determine what policy language and content is required by the American Bar Association, the Appalachian Regional Commission, State and Federal regulations for smoking and drug policies for an accredited, nonprofit law school in Virginia. This chapter summarizes the results of an inventory of the differences in the smoking and drug policies of the seven ABA accredited law schools in Virginia. The topics that were explored in this chapter included: 1.) Results of an inventory of the different policies between the seven accredited law schools in Virginia, 2.) Comparison of Policies, and 3.) Summary.

INVENTORY RESULTS

There were seven alcohol and drug policies that were reviewed for this study. The study reported separately the type institution being reviewed (i.e., private for profit, private non-profit, State or Federal) and the type policy each institution has implemented (i.e., no smoking, smoking in designated areas, no drugs or alcohol, alcohol during school sponsored events). The study further reported information such as what legal terminology for State and Federal compliance is included in each institutions policy, the identification of a format to use in the formation of a draft policy for the Appalachian School of Law, and corrective measures that each institution has implemented when problems of non-compliance with the policy occur.

Table 1 was used to compare the seven policies regarding smoking and drugs:

Table 1: Required Language in Policies

1.	The date the policy was established and/or revised.
2.	An introduction describing the institutions purpose and commitment to creating a safe and healthy educational environment, free from abuse of drugs and alcohol.
3.	To whom the policy applies.
4.	The faculty and administrations responsibility in promoting the health, safety, and welfare of its employees and students by striving to eliminate the negative effects of substance use and abuse from the workplace.
5.	The employee and students responsibilities to conduct themselves in a responsible manner.
6.	The institutional and legal consequences regarding the illegal use and/or possession of drugs and/or alcohol.
7.	A telephone and location resource listing of counseling, treatment, and/or rehabilitation clinics.

George Mason University's Drug and Alcohol Policy was adapted by the Board of Visitors May 1987, updated May 1991, and revised August 10, 1998. The introduction to George Mason's policy states:

"The abuse of drugs and alcohol by members of the George Mason University community is incompatible with the goals of the University. By defining standards of behavior and by providing educational programs to create an awareness of drug and alcohol-related problems, the University attempts to prepare individuals to act responsibly. Those in need of assistance are encouraged to seek the confidential services of the University's Drug Education Services" (George Mason University Student Handbook, p. 26).

The University of Richmond's policy on drugs and alcohol also includes an employee assistance program (EAP) "to assist faculty and dependent family members in identifying and resolving substance abuse problems" (University of Richmond, Policies

and Procedures, website, 11-01-00). Of the seven policies reviewed, the University of Richmond is the only institution that has created an on-campus employee assistance program.

Washington and Lee University states in its policy that they are a recipient of federal aid and federal grants; therefore, “the University must certify under the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 that it will take certain steps to provide a drug-free workplace” (Washington and Lee Personnel Handbook, p. 7). The policy further states that “in accordance with the Drug-Free Schools and Communities Act of 1989, the University will distribute to employees annually, information on applicable legal sanctions and health risks associated with the unlawful possession or distribution of alcohol or illegal drugs, and a description of drug and alcohol treatment programs available to members of the University community” (Washington and Lee Personnel Handbook, p. 7). Washington and Lee University is the only institution of the seven that included the stipulations of the Drug-Free Schools and Communities Act of 1989 in its policy.

Because the University of Virginia and William and Mary University are state operated institutions, both alcohol and other drugs policies for these institutions are the same as for all agencies of the Commonwealth of Virginia. As does Washington and Lee University’s policy, the policy of these two institutions includes a reference to a “State Employee Assistance Service (SEAS). The SEAS is part of the office of the State of Virginia’s Department of Personnel and Training “that is available to assist employees in obtaining counseling and treatment referrals for alcohol and other drug-related problems,

as well as for other personal problems” (State of Virginia Employee Handbook, website, 11-01-00).

Regent University and the Federal JAG are the only two institutions of the seven that outright forbids the use of tobacco, alcohol and other drugs on its campus. Regent University is a Christian based institution. “Regent University employees are expected to conduct themselves in a professional and Christ-like manner at all times and are expected to live by exemplary standards. Regent University requires that members of the Regent community—faculty, staff and students—refrain from the illegal use of drugs and the abuse of addictive substances controlled by law. Regent University also forbids the use of alcohol and tobacco on campus and prohibits the abuse of these substances” (Regent University Substance Abuse Policy, p.1). The National Armed Forces Rules and Regulations govern the Federal JAG Corp. Employee assistance programs are established through the Armed Forces programs.

The relevance of the review of the seven smoking and drug policies of the accredited law schools in Virginia was done in this study so that a consistent format of language and content could be developed for the Appalachian School of Law’s policy. Also, the identification of employee assistance programs was accomplished.

COMPARISON OF POLICIES

After reviewing both Federal and State Regulations regarding smoking and drug use at the workplace, this researcher determined that the guidelines for ARC funding are more strict than even Federal Regulations. The ARC requires all organizations receiving ARC funding be designated as “tobacco and drug free workplace.” Therefore, the basis of the policies analysis was subject to ARC funding eligibility requirements.

Two objectives were identified for the analysis of policies. The first objective was to identify what institutions are eligible to receive ARC funding (see Table 2) based on the type of each organization. Once the eligible institutions were identified, another table was created to determine the consistent policy language of the eligible institutions (see Table 3). The second objective was to confirm/deny that the Appalachian School of Law does/does not adequately conform to State and Federal Regulations (see Table 4). Non-conformity to required policy language creates a higher risk of the law school not being accredited by the ABA or receiving Federal funds from the ARC.

Table 2: Institutions Eligible to Receive ARC Funding

Institution Name	Organization Type	ARC Grant Eligible?
George Mason University	State	No
The JAG Corp.	Federal	No
Regent University	Private Non-Profit	Yes
University of Richmond	Private Non-Profit	Yes
University of Virginia	State	No
Washington and Lee University	Private Non-Profit	Yes
William and Mary School of Law	State	No

Table 3: Consistent Policy Language of Eligible Institutions

Institution Name	Smoking Policy	Drug Policy	Non-Compliance Measurements	Assistance Program
Regent University	No Smoking	No Drugs	Yes	Yes
University of Richmond	Designated Areas	No Drugs	Yes	Yes
Washington and Lee University	Designated Areas	No Drugs	Yes	Yes

Table 4: Confirm/Deny Appalachian School of Law Policy

Institution Name	Smoking Policy	Drug Policy	Non-Compliance Measurements	Assistance Program
Appalachian School of Law	No	No	No	No

The predicted assumption is that an organization that is seeking accreditation from the ABA and funding from the ARC must include four items in the institution's smoking and drug policy (i.e., no smoking, no drugs, non-compliance measurements, and an assistance program).

SUMMARY

This chapter summarized the results of an inventory of the differences in the smoking and drug policies of the seven ABA accredited law schools in Virginia. The topics that were explored in this chapter included: results of an inventory of the different policies between the seven accredited law schools in Virginia and a comparison of Policies by using the instrument designed in the form of a Likert Scale. Based upon the analysis conducted in the later section of this chapter, the required language for the smoking and drug policy for the Appalachian School of Law was determined. Chapter V will further analyze these findings as well as provide conclusions and recommendations.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The purpose of this chapter is to summarize previous chapters, to draw conclusions based on the data presented, to make recommendations and to suggest a smoking and drug policy for the Appalachian School of Law.

SUMMARY

This research was conducted to compare the smoking and drug policies of the seven accredited law schools in Virginia so that a comparable policy could be drafted for the Appalachian School of Law that is in compliance with ABA, ARC, State and Federal Regulations. The research goals for this study were:

1. To identify the guidelines for grant funding from the ARC and the standards for accreditation from the ABA.
2. To review State and Federal Regulations governing the use of tobacco and drugs in the workplace.
3. To identify smoking and drug policies available at the accredited law schools in Virginia.
4. To prepare a smoking and drug policy for the Appalachian School of Law.

The limitations of this study included the limitations of the law and regulations, Faculty governance, which will guide the development of this policy, and administrative approval, which also must be given to the policy. Another limitation will be the participation of the faculty, staff, administration and students of the law school who the policy will apply to.

A review of the literature showed the reasoning behind the creation of tobacco-free and drug-free workplace statutes by the Federal Government. State and Federal Regulations, ABA standards, ARC funding guidelines, and information regarding workplace policies were presented.

The population of this study was limited to representatives from the Human Resource Offices of the seven accredited law schools in Virginia who were contacted to obtain copies of their campus policies regarding smoking and drug use on their campuses. The policies supplied by these representatives were used to determine the information to be included in the smoking and drug policy for the Appalachian School of Law.

A comparison chart was used to review results of the inventory of consistent language in the smoking and drug policies of the seven accredited law schools. Because the criteria of the ARC were stricter, the inventory was narrowed based on the institutions that were eligible for ARC funding. A comparative analysis was completed in order to draft a smoking and drug policy for the Appalachian School of Law.

CONCLUSIONS

The stated objective of this study was to draft a smoking and drug policy for the Appalachian School of Law. Based upon the information gathered, analyzed, and reported, a draft smoking and drug policy that is in compliance with ABA, ARC, State and Federal Regulations was drafted based upon the four research goals of the study and the identification of required information.

The first goal was to identify the guidelines for grant funding from the ARC and the standards for accreditation from the ABA. The researcher obtained copies of the requirements for both organizations. It was the conclusion of this study that specific

criteria/language must be included in the smoking and drug policy drafted for the Appalachian School of Law before grant funding or accreditation would occur. These include:

1. The date the policy was established and/or revised.
2. An introduction describing the institutions purpose and commitment to creating a safe and healthy educational environment, free from abuse of drugs and alcohol.
3. To whom the policy applies.
4. The faculty and administrations responsibility in promoting the health, safety, and welfare of its employees and students by striving to eliminate the negative effects of substance use and abuse from the workplace.
5. The employee and students responsibilities to conduct themselves in a responsible manner.
6. The institutional and legal consequences regarding the illegal use and/or possession of drugs and/or alcohol.
7. A No-Smoking Policy.
8. Measurements for Non-Compliance with the policy. Identification of assistance programs for employees and students. A telephone and location resource listing of counseling, treatment, and/or rehabilitation clinics.

The second goal was to review State and Federal Regulations governing the use of tobacco and drugs in the workplace. Any organization, which receives grant funding from the federal government, must be designated as a “tobacco and drugs free workplace.” It was the conclusion of this study that the Appalachian School of Law does

not comply with this requirement because smoking and alcohol is allowed on campus. The findings for this research goal were incorporated into the draft policy for the law school.

The third goal was to identify smoking and drug policies available at the accredited law schools in Virginia. Representatives from the Human Resource Offices of the seven accredited law schools in Virginia were contacted. A 5-point Likert Scale instrument was designed so that a comparison of the policies of the seven accredited law schools could be done. The information obtained from the results of the instrument was comparatively analyzed. Results of the data analysis were used in the drafting of the policy for the law school.

The fourth and final goal of this research study was to prepare a smoking and drug policy for the Appalachian School of Law. Based upon the information gathered, analyzed, and reported, the draft policy is included in this study.

RECOMMENDATIONS

Based upon the results obtained through this study, it is the researcher's recommendation that a smoking and drug policy be implemented for the Appalachian School of Law (see Appendix E). The researcher has drafted a policy that incorporates the results of this study. The policy must designate the law school as a tobacco and drug free workplace. Also, the following terminology and specific language must be included in the policy:

1. Type of organizational structure
2. Type of smoking policy (i.e., no smoking, smoking)
3. Type of drug policy (i.e., no use on campus, use allowed)
4. Compliance with State and Federal Regulations

5. Measures for non-compliance to policy
6. Inclusion of a student or employee assistance program

The researcher will present to the Board of Trustees at the Appalachian School of Law this research study and the draft policy. The Board of Trustees is the governing body of the law school and the entity that ratifies all policies. This will occur at the Annual Meeting of the Board on June 12, 2001. The researcher will stress to the Board that implementation of the policy that includes the criteria listed in this study will result in the Appalachian School of Law becoming compliant with the Standards of Accreditation of the American Bar Association, funding criteria for the Appalachian Regional Commission, compliance with State of Virginia regulations, and Federal regulations. Once the policy is implemented, the possibility of receiving American Bar Association accreditation and Appalachian Regional Commission funding will be greatly increased.

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APPENDICES

Appendix A	Letter to Human Resource Offices
Appendix B	Likert Scale Instrument
Appendix C	Introduction Letter to Respondents
Appendix D	Thank You Letter to Respondents
Appendix E	Draft Smoking and Drug Policy for the Appalachian School of Law

Appendix A

Alicia L. O'Quin
Rt. 2, Box 142
Vansant, VA 24656

November 12, 2000

TO: Human Resource Office

Dear Human Resource Officer:

Please consider this letter as an introduction of myself, and a request for your assistance. I am presently enrolled at Old Dominion University in the Masters of Science program in Occupational and Technological Studies. Currently, I am working on a research study. The problem of this study is to develop a smoking and drug policy for the Appalachian School of Law that is in compliance with American Bar Association Standards, Appalachian Regional Commission funding criteria, State and Federal regulations.

Could you please provide me with the name of the person whom I should contact to obtain a copy of your institution's smoking and drug policy? Any assistance you could provide in this matter would be greatly appreciated.

If you have any questions, or require additional information, please do not hesitate to contact me at 540-935-4349.

Sincerely,

Alicia L. O'Quin

Appendix B

Likert Scale
Instrument

NAME OF INSTITUTION: _____

-Institution Type

Private for Profit _____ Private Non-Profit _____

State or Federal _____

-Smoking Policy Type

No Smoking _____ Smoking in designated areas only _____

- Drug Policy Type

No drugs or alcohol used on campus _____

Alcohol allowed at school-sponsored events _____

Rank the following questions on a scale between 1 to 5, with 1 being very low and 5 being very high.

- Compliance with State and Federal Laws and Regulations?

1 2 3 4 5

- Level of tobacco abuse on campus?

1 2 3 4 5

- Level of drug abuse on campus?

1 2 3 4 5

- Include measures for non-compliance with the policy?

1 2 3 4 5

- Include a student or employee assistance program?

1 2 3 4 5

Appendix C

Alicia L. O'Quin
Rt. 2, Box 142
Vansant, VA 24656

December 2, 2000

TO: Human Resource Office Respondent

Dear Human Resource Officer Respondent:

Please consider this letter as an introduction of myself, and a request for your assistance. I am presently enrolled at Old Dominion University in the Masters of Science program in Occupational and Technological Studies. Currently, I am working on a research study. The problem of this study is to develop a smoking and drug policy for the Appalachian School of Law that is in compliance with American Bar Association Standards, Appalachian Regional Commission funding criteria, State and Federal regulations.

Could you please send me a copy of your current policies on smoking and drug use for your campus? Any assistance you could provide in this matter would be greatly appreciated.

If you have any questions, or require additional information, please do not hesitate to contact me at 540-935-4349.

Sincerely,

Alicia L. O'Quin

Appendix D

Alicia L. O'Quin
Rt. 2, Box 142
Vansant, VA 24656

January 31, 2001

TO: Human Resource Office Respondent

Dear Human Resource Officer Respondent:

Please consider this letter as a sincere thank-you for your assistance in providing information for the completion of my research study. Your prompt attention to this matter enabled me to successfully accomplish the research goals of my study.

Again, thank you for your participation and assistance in this matter. If you have any questions, or if I can reciprocate in the future, please do not hesitate to contact me at 540-935-4349.

Sincerely,

Alicia L. O'Quin

Appendix E

Appalachian School of Law
SMOKING, DRUG and ALCOHOL POLICY

Adopted By the Board of Trustees on _____

INTRODUCTION:

It is the Appalachian School of Law's objective to establish and maintain a work environment free from the adverse effects of alcohol and other drugs. The effects of alcohol and other drugs in the workplace could undermine the productivity of the law school's work force and students. The adverse effects of alcohol and other drugs create a serious threat to the welfare of fellow employees and students. The Appalachian School of Law, therefore, adopts the following policy and procedures to address alcohol and other drug problems in the law school.

PURPOSE:

The Appalachian School of Law recognizes that one of its most important missions of the law school is to promote the health, safety, and welfare of its employees and students by striving to eliminate the negative effects of substance use and abuse from the workplace, and to assist those employees and students who have a drug-related or alcohol-related problem with rehabilitation. In furtherance of this purpose, any employee or student who has a drug-related or alcohol-related problem is encouraged, for his or her own benefit as well as the benefit of fellow employees and students, to voluntarily seek treatment for such problems through a treatment program of his or her choice.

APPLICABILITY

This Policy shall be applicable to all faculty, staff, and students of the Appalachian School of Law, full-time and part-time, regular and temporary, and to any applicant for employment who has been offered and has accepted an available position.

EMPLOYEE/STUDENTS RESPONSIBILITY:

1. Use and/or possession of illegal drugs and drug paraphernalia are prohibited on the campuses of the Appalachian School of Law. Violation of this community standard will be considered a serious offense. Implementation of this policy will be in accord with established law school procedures and guidelines.
2. The law school administrative staff will enforce all applicable local, state, and federal laws in accordance with established standing orders, procedures and guidelines.
3. Any employee/student found responsible for a violation of law or regulation involving illegal drugs will be required to undergo an evaluation by an independent agency experienced in such field of study before the employee/student can return to the campus of the law school.

4. Employees/students are prohibited from engaging in the following activities:
 - a. Using, purchasing, selling, possessing, distributing, or accepting illegal drugs or drug-related paraphernalia while on or off the job and on or off campus;
 - b. Using, purchasing, selling, or distributing alcohol while on campus, unless sanctioned, in writing, by the administration of the law school
 - c. Using, purchasing, selling, or distributing alcohol at university-related activities off-campus, unless sanctioned, in writing, by the administration of the law school.
 - d. Showing up for work or being on the job while impaired by illegal drugs and/or alcohol.
 - e. Transporting illegal drugs, drug-related paraphernalia, and/or alcoholic beverages in a university-owned, leased, or hired vehicle. For purposes of this subsection, "on the job" shall be deemed to include meal periods, breaks, stand-by duty, and any time that an employee is acting in his or her capacity as an Appalachian School of Law employee, whether on or off school property.
- 5.

SMOKING POLICY

To comply with the Virginia Clean Air Act and with Federal Regulations governing grant recipients tobacco use on the campus of the Appalachian School of Law will be considered in the same context as any other habit-forming, life-threatening, drug. Therefore, use of tobacco products on the campus of the Appalachian School of Law is strictly prohibited.

MEASURES FOR NON-COMPLIANCE WITH POLICY:

1. Within 30 calendar days of receiving notice of an employee's or student's criminal conviction, or of any violation of this policy, the administration shall:
 - a. take appropriate disciplinary action against the employee; and/or
 - b. require the employee to participate satisfactorily in a rehabilitation program if a drug-related conviction is received, or recommended such a program if an alcohol related conviction is received.

An employee's/student's satisfactory participation in a rehabilitation program shall be determined by administration after:

 - a. The employee's/student's presentation of adequate documentation and/or
 - b. Consultation with administration or any rehabilitation program, provided that the employee/student gives his or her consent when the consultation is to be with the rehabilitation program that treated the employee/student.
2. Within ten calendar days after receiving notice that an employee covered by the federal Drug Free Workplace Act has been convicted of a criminal drug law violation occurring in the workplace, the administration shall notify any federal contracting or granting agency.

RESOURCE LISTINGS:

Buchanan County Sheriff's Office – 540-935-5123

Cumberland Mental Health Office – 540- 935-8126

Buchanan General Hospital – 540-935-1000

Cocaine Hotline – 1-800-COCAINE

Drug Information - - National Institute of Drug Abuse – 1-800-622-HELP

Narcotics Anonymous – 1-800-777-1515

CERTIFICATE OF RECEIPT

Your signature below indicates your receipt of this policy summary, Smoking, Drug and Alcohol Policy. Your signature is intended only to acknowledge receipt, it does not imply agreement or disagreement with the policy itself. If you refuse to sign this certificate of receipt, your supervisor/academic advisor will be asked to initial this form indicating that a copy has been given to you.

Employee's/Student's Name: _____