

## **34.02.01.C1 Drug and Alcohol Abuse and Rehabilitation Programs**

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*Revised June 18, 2001*

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### **Rule Statement**

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Texas A&M University-Corpus Christi is committed to a drug-free environment and protecting the safety, health and wellbeing of all employees and students.

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### **Reason for Rule**

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The use of illicit drugs and alcohol may have a detrimental impact on the system and each member in achieving their missions. This regulation provides guidelines for implementation of a drug and alcohol abuse awareness, prevention and intervention program for students and employees in accordance with the Drug-Free Workplace Act of 1988, the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors, and the Drug-Free Schools and Communities Act of 1989.

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### **Procedures and Responsibilities**

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#### **1. GENERAL**

- 1.1 Texas A&M University-Corpus Christi (University) is committed to educating students and employees about alcohol and drug issues, deterring the irresponsible use of alcoholic beverages, and prohibiting the unlawful manufacture, use, possession, or distribution of controlled substances. The University will act to ensure compliance with the Drug-Free Workplace Act of 1988; the Drug-Free Schools and Communities Act of 1989; the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors; and requirements of the Department of Transportation; or other regulatory bodies and applicable state laws for students and employees.

The appropriate senior administrator or designee shall inform the Office of General Counsel (OGC) of possible violations of this rule and the advice of an OGC's attorney will be secured before testing anyone due to reasonable suspicion of drug or alcohol use or abuse.

- 1.2 To implement an effective alcohol and drug-free awareness and prevention plan, the University will use both formal and informal channels of communication to:

- (1) Disseminate information describing patterns of addiction and the physical, mental, and emotional consequences that result from the abuse of alcohol and controlled/illegal substances.
- (2) Distribute information that describes and encourages the use of counseling and treatment modalities available to both students and employees in the local and regional area.
- (3) Make available to campus population referrals to local treatment centers and counseling programs. These referrals will be made within a supportive confidential and non-punitive environment under the auspices of the University Health Center, Counseling Center, and/or Human Resources.

## 2. LEGAL REQUIREMENTS CONCERNING THE USE OF ALCOHOL

2.1 Any use of alcoholic beverages on campus or at University functions is subject to the alcoholic beverage laws of the State of Texas. These laws prohibit:

- (1) the purchase, consumption, or possession of alcohol by a minor;
- (2) the purchase of alcohol for a minor; furnishing alcohol to a minor;
- (3) misrepresentation of age by a minor;
- (4) public intoxication;
- (5) driving while intoxicated; and
- (6) consumption of alcohol while operating a motor vehicle (open container law).

2.2 Additionally, state law prohibits the sale of any type of alcoholic beverage unless the seller possesses a valid license or permit. The term "sale" is broadly interpreted by law enforcement authorities to include such practices as charging admission to events when alcohol is being served. In addition, tickets, activity fees, membership dues, or other exchanges that are in any way restrictive, are viewed as indirect payment for alcoholic beverages and are, therefore, illegal unless the alcohol is obtained through a valid liquor license.

## 3. UNIVERSITY STANDARDS CONCERNING THE USE OF ALCOHOL ON CAMPUS

3.1 This section describes standards established by the university related to the use of alcohol on campus or at functions occurring under the auspices of the university. These standards apply to all persons on campus or present at functions occurring under the auspices of the university:

3.1.1 The University prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21. Failure to comply with this standard violates state law and the rules governing student conduct, and will subject the individual to disciplinary action.

3.1.2 The possession or use of alcoholic beverages on University property will not be permitted except in special use buildings and facilities as designated by the President, approved by the Chancellor, and subsequently reported to the Board of Regents. The list of designated buildings and facilities will be identified in the annual report by the President to the Board of Regents and posted as an attachment to this rule at the University's Rules and Procedures website at [http://academicaffairs.tamucc.edu/rules\\_procedures/](http://academicaffairs.tamucc.edu/rules_procedures/).

In addition, students of lawful age under Texas Statutes may be permitted to possess and/or consume alcoholic beverages in the privacy of their rooms

in campus housing. However, on-campus residents and their guests must comply with state and local statutes concerning possession, sale and consumption of alcoholic beverages. Any use of alcoholic beverages should be in moderation, to ensure residents' rights to privacy, sleep, and study. Loud or disruptive behaviors that interferes with cleanliness and safety or drinking habits that are harmful to the health or education of an individual or those around her/him are reasons for appropriate disciplinary action by the University.

3.1.3 Except as noted above, the possession of open containers and consumption of beer, wine and/or distilled spirits is prohibited in all public areas of the campus. For the purposes of this rule, apartment balconies and patios and residence hall common areas are considered public areas. Although students of lawful age may possess and consume alcoholic beverages in the privacy of their rooms, all alcoholic beverages transported through public areas on the University grounds and in campus housing must be unopened and concealed.

3.1.4 Any purchase of alcoholic beverages by a unit of the University must comply with System Policy [34.03, Alcoholic Beverages](#).

3.1.5 Islander Athletics has specific procedures relating to use of alcohol by intercollegiate athletes. See the Department of Athletics [Student-Athlete Handbook](#) for details.

3.2 Additional standards applying specifically to employees are discussed in section 5 this rule.

#### 4. UNIVERSITY RULES REGARDING THE USE OF DRUGS

4.1 All members of the University community are expected to abide by applicable local, state and federal laws and regulations pertaining to controlled substances and illicit drugs. Standards of conduct strictly prohibit the unlawful manufacture, distribution, possession or use of controlled substances or illicit drugs on University property, at University-sponsored activities, and/or while on active duty. Individuals may use prescriptive medications that are medically necessary and prescribed for them by a licensed medical practitioner.

4.2 Students or employees found violating this rule will be subject to the disciplinary measures required by all pertinent local, state and federal statutes. In addition, the disciplinary procedures outlined in the [Student Handbook](#) and [Code of Conduct](#), [Faculty Handbook](#), Department of Athletics [Student-Athlete Handbook](#) and other relevant University publications will be enforced.

#### 5. ADDITIONAL DRUG AND ALCOHOL STANDARDS FOR EMPLOYEES

5.1 All new employees are provided a copy of the [Alcohol & Illicit Drugs Standards of Conduct](#). In addition, they are informed in writing that they are responsible for reading this procedure. The employee signs an acknowledgement of receipt of information in writing and the acknowledgement is retained in the official personnel file. .

5.2 Employees are prohibited from using or being under the influence of controlled substances during working hours, except for the legal use of a controlled substance prescribed by a licensed medical practitioner. Prescription medication is to be used only in the manner, combination and quantity prescribed and may only be used by the

person for whom it is prescribed.

- 5.3 Any employee whose use of alcohol, drugs or other controlled substances results in absenteeism, tardiness, impairment of work performance, or is the cause of workplace accidents, will be advised of the terms of applicable disciplinary action and may be required to participate in an available alcohol and drug counseling, rehabilitation or employee assistance program. An employee who rejects participation in a required program may be subject to disciplinary action up to and including termination.
- 5.4 Employees whose work-related performance gives cause for reasonable suspicion of use or possession of alcohol or a controlled substance may be subjected to testing for the substance in accordance with System Regulation *34.02.01* with the advice of the OGC. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.
- 5.5 Any disciplinary action will be governed by System policies on discipline and dismissal and academic freedom, responsibility and tenure. A record of the action will be placed in the employee's personnel file.
- 5.6 Faculty and staff members have the responsibility to supervise student activities on University affiliated trips. Faculty and staff members must inform students that actions violating applicable international and domestic laws regarding alcohol and drugs will not be permitted on any University affiliated trip. Faculty and staff members who violate these guidelines by not informing students regarding alcohol and drug use on affiliated trips will be subject to disciplinary action.
- 5.7 Drug testing of an employee in a DOD-funded sensitive position will be conducted in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. Ch. 10 (§§ 701-707) and Drug-Free Work Force Rules for Department of Defense (DOD) Contractors (48 CFR 252.223-7004).
- 5.8 Drug testing of employees required to have commercial driver's licenses will be conducted in accordance with the Federal Highway Administration and Department of Transportation regulations in the following situations: (1) pre-employment, (2) post-accident, (3) reasonable suspicion (4) random and (5) return-to-duty and follow-up.

## 6. REASONABLE SUSPICION OF EMPLOYEE DRUG AND ALCOHOL ABUSE

Administrators should exercise extreme caution in all matters relating to drug and alcohol policies. They should assure that procedures are carefully followed and that substantial evidence from reliable sources supports a decision to confront an employee concerning a possible violation. Administrators or supervisors seeking advice on appropriate responses to possible violations of alcohol or drug rules by employees may consult with the OGC through Employee Development and Compliance Office (System Regulation *34.02.01, Section 5*).

- 6.1 The Employee Development and Compliance Office, if requested, can provide employees with information on the free Employee Assistance Program (EAP). The EAP can provide assistance and if needed refer to appropriate local community agencies. These guidelines apply to referrals:
  - (1) The employee is responsible for any cost/fees incurred for professional services provided by community agencies.
  - (2) To the extent possible, information concerning an employee's diagnosis, referral and treatment will be kept strictly confidential.
  - (3) The rights of employees will be assiduously respected by all administrative and

supervisory personnel. Employee rights are delineated in University rules and other University publications.

- 6.2 All meetings between the employee and the supervisor or other designated administrator to address the suspected alcohol or drug-related problem and/or its resolution will be documented in a memorandum and filed in the official employee's *confidential* personnel file.
- 6.3 Any disciplinary action taken will be subject to System Regulation 34.02.01.

## 7. SUSPICION OF USAGE BY STUDENTS

- 7.1 Students suspected or found in violation of drug and alcohol policies, regulations, and rules will be notified in writing to appear for a hearing with the Office of Judicial Affairs. Procedures for hearings are outlined in the *Student Handbook and Code of Conduct*. Procedures for intercollegiate athletes who have demonstrated a reasonable suspicion of drug use are outlined in the Department of Athletics *Student-Athlete Handbook*.
- 7.2 Students will be advised of available alcohol and drug counseling at the University Counseling Center and/or referred to a community organization. The University Counseling Center and the University Health Center can provide assistance and referral to appropriate local community agencies. The following guidelines apply to referrals:
  - (1) The student is responsible for any cost/fees incurred for professional services provided by community agencies.
  - (2) To the extent possible, information concerning a student's diagnosis, referral and treatment will be kept strictly confidential.
  - (3) Student rights are delineated in the *Student Handbook and Code of Conduct* and other University publications. The rights of students will be assiduously respected by all administrative and supervisory personnel.
- 7.3 Sanctions for violations of drug or alcohol policies, regulations, and rules may include expulsion, suspension, probation, and/or a letter of reprimand.

## 8. DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM FOR STUDENTS AND EMPLOYEES

- 8.1 In accordance with the Drug-Free Schools and Communities Act of 1989, the university will develop and implement an alcohol and drug-free awareness and prevention program for students and employees. Programs will conform to system policies and regulations as well as related state and federal laws and will incorporate information regarding:
  - (1) The dangers of alcohol and drug abuse;
  - (2) Maintenance of a workplace and learning environment free from alcohol and drug abuse;
  - (3) Available alcohol and drug counseling, rehabilitation, and employee assistance programs; and
  - (4) Penalties that may be imposed upon students and employees for alcohol and drug abuse violations.

The drug and alcohol abuse prevention measures will include, but are not limited to:

- (1) The distribution of relevant printed materials to all students and employees, as explained in section 8.1 of this rule.
  - (2) The presentation of campus workshops, seminars, and other programs to educate students and employees about alcohol and drug abuse prevention.
  - (3) The posting of current, relevant printed material concerning the prevention of drug/alcohol abuse on campus.
  - (4) The development of evaluation/assessment methods to identify drug and alcohol issues among the students and employees, as well as the efficacy of current policies.
  - (5) The distribution of relevant information on drug use to students and employees through the Health Center, the Counseling Center, and Human Resources.
- 8.2 The Student Engagement & Success offices will work with other offices, such as Human Resources and the University Police, to create effective awareness and prevention programs for students.
- 8.3 Human Resources and University Police will work to create effective awareness and prevention programs for employees.
- 8.4 Annually, the Human Resources department will notify each employee and Student Engagement & Success will notify each student in writing and include:
- (1) The standards of conduct that prohibit the unlawful manufacture, possession, dispensation, use, or distribution of illicit drugs and alcohol by students and employees on the University's property or as part of any University activity.
  - (2) A description of the applicable legal sanctions under local, state, or federal law for the unlawful manufacture, possession, dispensation, use, or distribution of illicit drugs or alcohol.
  - (3) A description of the health risks associated with the use of illicit drugs and alcohol.
  - (4) A description of any drug or alcohol counseling, treatment, or rehabilitation, re-entry, or employee assistance programs that are available to students and/or employees.
  - (5) A clear statement that the University, consistent with the local, state, or federal law, will impose sanctions against a student or employee who violates the standards of conduct to include expulsion from school or termination from employment and referral for prosecution. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
  - (6) A description of the University's program, including alternative support, education and re-entry programs for students who are expelled as a result of violating standards required by these minimum requirements.
- 8.5 As required by federal law, the University, led by Student Engagement & Success, will conduct a biennial review of its program and report:
- (a) Description of alcohol and other drug program elements;
  - (b) Statement of alcohol and other drug program goals and a discussion of goal achievement;

- (c) Summaries of alcohol and drug program strengths and weaknesses;
  - (d) Procedures for distributing annual alcohol and drug program notification to students and employees;
  - (e) Copies of the policies distributed to students and employees and the;
  - (f) Recommendations for revising alcohol and drug programs.
- 8.6 The University will, upon request, make available to the Secretary of Education, or designee, other applicable government agencies, and the general public, all documents outlined in section 9, as well as, the biennial review.
- 8.7 The University will certify the accessibility of a drug abuse prevention program for officers, employees and students as required under 20 U.S.C.A. §1094.
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## **Related Statutes, Policies or Requirements**

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[20 U.S.C. § 1011i](#)

[20 U.S.C. § 1094](#)

[21 U.S.C.A. § 812, The Controlled Substances Act](#)

[41 U.S.C. §§ 701-707, The Drug-Free Workplace Act of 1988](#)

[34 C.F.R. 86 \(Authority: 20 U.S.C. 1145g\), The Drug-Free Schools and Communities Act of 1989](#)

[48 C.F.R. 252.223-7004, The Drug-Free Work Force Rules for Department of Defense \(DOD\) Contractors](#)

[Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act](#)

[System Policy 34.02, Drug and Alcohol Abuse](#)

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## **Definitions**

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Refer to System Regulation *34.02.01, Drug and Alcohol Abuse and Rehabilitation Program*

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## **Contact Office**

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Contact for Interpretation: Employee Development & Compliance Services Department (361) 825-2765  
Vice President for Student Engagement & Success (361) 825-3404