

DRUG AND ALCOHOL ABUSE



A Member of the Texas A&M University System

OFFICE OF HUMAN RESOURCES

I. Foreword

Texas A&M International University considers abuse of alcohol and/or illicit drug use by its faculty, staff, and students to be unacceptable. The issue of abuse of alcohol and illicit drug use in our society is one that demands strong guidance. Society looks to its universities for this guidance through policy, example, education, and research. It is important for all members of the University community to take responsibility for preventing the abuse of alcohol and illicit drug use and for precluding such abuse's inevitable negative effect on the community's learning environment and the academic, physical, and emotional well-being of its membership.

The purpose of this policy is to define the position of the University regarding the abuse of alcohol and illicit drug use. Texas A&M International University will comply with and support the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the Drug-Free Schools and Communities Act Amendments of 1989.

The following statements include: the University policy concerning alcohol abuse and illicit drug use; a description of health risks associated with such abuse or use; the availability of education, prevention, and treatment services; and the University disciplinary process.

II. Policy Statement

The unlawful manufacture, distribution, dispensation, sale, possession, or use of illicit drugs or alcohol and the abuse of alcohol are strictly prohibited and will not be tolerated. Any illegal acts will be reported to appropriate law enforcement authorities.

Any employee found in violation of this policy shall be subject to disciplinary action, up to and including dismissal, and may be required to participate in an appropriate abuse assistance or rehabilitation program.

Any student found in violation of the Texas A&M International University Policy on Alcohol Abuse and Illicit Drug Use shall be subject to disciplinary action up to and including expulsion from the University. (See appropriate policies in University Regulations for details applicable to students.)

III. Health Risks Associated with Alcohol and Other Drugs

A. Alcohol

Alcohol abuse can cause many health related problems. Approximately 150,000 deaths annually are directly related to alcohol abuse and/or alcoholism. Alcohol abuse can lead to alcoholism, premature death through overdose, and complications involving the brain, heart, liver and many other body organs. Alcohol abuse is a prime contributor to suicide, homicide, motor vehicle deaths, and other so-called accidental causes of death. Alcohol abuse also causes liver disease, gastritis, and anemia.

Alcohol abuse interferes with psychological functions, causes interpersonal difficulties, and is involved in most cases of child abuse. Alcohol abuse also disrupts occupational effectiveness and causes legal and financial problems. Alcohol used in any amount by a pregnant woman can cause birth defects.

B. Other Drugs

The abuse of illicit drugs can result in a wide range of health problems. In general, illicit drug use can result in drug addictions, death by overdose, death from withdrawal, seizure, heart problems, infectious disease (i.e., HIV/AIDS, hepatitis), liver disease, and chronic brain dysfunction. Other problems associated with illicit drug use include psychological dysfunctions such as memory loss, thought disorders (i.e., hallucinations, paranoia, psychosis), and psychological dependency. Additional effects include occupational, social, and family problems as well as a reduction in motivation. Drug use by a pregnant woman may cause addiction or health complications in her unborn child.

IV. Education, Prevention, and Treatment

Texas A&M International University is committed to providing comprehensive alcohol and other drug education, as well as early intervention and referral services. Assessment, intervention, and referral are available through the Human Resources Office; as well as through referral to resources in the community such as therapists, counselors, treatment centers, and support groups. All contact with the Human Resources Office are confidential and may not be the basis of disciplinary charges. Health insurance coverage may be available for

treatment of alcohol abuse and other illicit drug use problems. Employees should contact the Human Resources Office or their individual health plan representative for information about insurance coverage.

V. University Disciplinary Process

University disciplinary charges will be vigorously pursued against faculty, staff and students who have violated this policy. Disciplinary proceedings will be in accordance with the accompanying "Procedures for Complying with the Policy on Alcohol Abuse and Illicit Drug Use," and with "Discipline and Dismissal Procedure for Employees Other Than Faculty" (APRM B.4.6).

All Texas A&M International University employees shall, as a condition of employment, notify the Office of the President, through appropriate reporting channels, within five days if convicted of violating any drug statute while in the workplace or on University business. In the case of an employee who is directly engaged in the performance of work on a Federal contract or grant, the President or the President's designee will notify the Federal contracting or granting agency within ten days of receiving notice of such conviction (as required by Public Law 100-690, Title V, Subtitle D). In either case, within 30 days the University will impose sanctions on the employee involved. Sanctions may take the form of personnel actions against the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

Disciplinary proceedings for students found in violation of this policy will be in accordance with procedures and policies on alcohol and other drugs in University Regulations.

VI. Legal Sanctions

Legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol include:

A. Possession or delivery of a controlled substance

Penalties range according to type of substance, amount in possession and/or delivered, and the number and type of previous violations. In addition, penalties increase if controlled substances are delivered within 1,000 feet of any premises owned, rented or leased by an institute of higher education. Class A, B, and C misdemeanors are punishable by up to \$4,000 in fines and up to 1 year in jail, or both. Third degree felonies are punishable by 2 to 10 years in prison and up to \$10,000 in fines. First degree felonies are punishable by 5 to 99, or life, in prison and up to \$10,000 in fines.

B. Purchase, consumption, or possession of alcohol by a minor

A violation is a misdemeanor punishable by a fine of at least \$25 or up to \$200 on first conviction. Repeat violations are punishable by a fine of at least \$200 or up to \$500.

C. Public intoxication

Public intoxication is a Class C misdemeanor which is punishable by a fine of up to \$500.

D. Sale of alcoholic beverages

The sale of any type of alcoholic beverage without a valid license or permit is a misdemeanor punishable by a fine of \$100 to \$1,000 or by confinement in the county jail for up to 1 year, or both.

E. Driving while intoxicated

A first offense is punishable by (1) a fine of at least \$100 or up to \$2,000, and (2) confinement in jail for a term of not less than 72 hours or more than 2 years. A second offense is a Class A misdemeanor.

F. Open container law

State law makes it illegal for the driver of a motor vehicle to consume alcohol.

PROCEDURE FOR COMPLYING WITH THE POLICY ON DRUG AND ALCOHOL ABUSE



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I. Introduction

Following are descriptions of available resources and procedures for enforcing the Texas A&M International University Policy on Drug and Alcohol Abuse.

II. Assistance Programs

Office of Human Resources. The Office of Human Resources serves as a confidential source for referral for problems including alcohol or other drug abuse. This service is available to all faculty and staff.

Services in the Community. Hospitals in the community should be contacted for emergency care. Other services in the community include therapists, counselors, treatment centers, and support groups.

III. Definitions. As used in this policy, the following definitions apply:

A. A “prescribed drug” is any substance prescribed for individual consumption by a licensed medical practitioner. It includes only drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

B. An “illicit drug” or chemical substance is: (a) any drug or chemical substance, the use, sale or possession of which is illegal under any state or federal law, or (b) one that is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

C. “Controlled substance” means a substance listed in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Health and Safety Code, Chapter 481). In general, controlled substances include all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances that possess a chemical structure similar to that of a controlled substance (e.g., designer drugs). The term does not include alcohol.

D. “Alcohol” refers to any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

E. “Alcohol abuse” means the excessive use of alcohol in a manner that interferes with: (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.

F. “Reasonable suspicion” shall be established by: (1) observation of the actions/behaviors of the individual; (2) supervisor or other reliable individual witnessing possession or use; (3) any other legal measure used for alcohol or drug detection.

G. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

H. “Sanctions” may include completion of an appropriate rehabilitation or assistance program, suspension or expulsion from school, suspension or termination from employment, other disciplinary action, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

IV. Guidelines for Enforcing the Policy

If a supervisor reasonably suspects that use of a controlled substance or of alcohol has resulted in absenteeism, tardiness, or impairment of work performance or is the cause of workplace accidents, the supervisor shall immediately notify the appropriate department head or other designated administrator. Upon direction from the department head or designated administrator, the supervisor or other designated administrator will discuss with the employee the suspected alcohol or drug-related problems. The employee should be advised of any available alcohol and drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable disciplinary sanctions. The employee may be required to participate in an assistance program and be subject to discipline (up to and including termination of employment) if he or she rejects participation in the program. All meetings between the employee and the supervisor or other administrator to address the suspected alcohol or drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

If discussion and/or participation in any available alcohol or drug counseling, rehabilitation, or employee assistance program fails to resolve the suspected alcohol or drug related problems or if the employee fails to meet the terms of any applicable disciplinary sanctions, the employee may be subject to disciplinary action up to and including termination.

If there is reasonable suspicion of alcohol abuse or illicit drug use, the supervisor will discuss the matter with the department head, who may implement procedures for drug testing.

V. Drug Testing

Employee drug testing may take place under a very limited set of circumstances.

Testing of employees may be undertaken only when there is reasonable suspicion that the employee is under the influence of alcohol or illicit drugs while on the job, the employee's job performance has been affected by the use of alcohol or illicit drugs, and such impairment presents a risk to the physical safety of the employee or another person.

The decision to test an employee will be made by the appropriate chief executive officer or designee. Drug testing procedures will be conducted in such a way as to protect the full legal rights of the employee to due process. Further, these tests will be in accordance with The Texas A&M University System Drug and Alcohol Abuse Policy, Section 8. All specimens will be analyzed by a laboratory certified by the Department of Health and Human Services/National Institute on Drug Abuse (DHH/NIDA). All specimens will be analyzed twice (Immunoassay and Gas Chromatography/Mass Spectrometry). Results will be transmitted to the medical review officer (the physician at the lab which collected the specimen). In the event of a positive test, the medical review officer will talk with the employee first and will do any necessary verification with a pharmacy. All test results will then be communicated to the President or division Vice President who required the drug test. Procedures related to the drug testing of students are outlined in the appropriate student drug policy.

Form # HR 01-31
Updated May 2003