

ALCOHOL & ILLICIT DRUGS STANDARDS OF CONDUCT, 2015 - 2016

TEXAS A&M UNIVERSITY-CORPUS CHRISTI

Texas A&M University-Corpus Christi is committed to a campus wide plan to educate students and employees about alcohol and drug issues, discourage the irresponsible use of alcoholic beverages, and prohibit the unlawful use, possession or distribution of controlled substances. The University will act to ensure compliance with all local, state, and federal laws and A&M University System policies dealing with controlled substances, illicit drugs, and the use of alcohol.

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 rule violates state law and the rules governing student conduct and will subject the individual to disciplinary action. Additionally, students are cautioned that if an individual is under the influence of alcohol and/or drugs to the point where they cannot make a rational decision they are unable to give or receive consent for sexual activity.

Students of lawful age under Texas Statute may possess and/or consume alcoholic beverages in the privacy of their room or apartment in campus residence facilities. However, occupants 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. Therefore, bulk quantities of alcohol (kegs, cases, party balls, etc.) are not allowed on campus or in residence facilities. Loud or disruptive behaviors, interference with the cleanliness of residence facilities, or drinking habits that are harmful to the health or education of an individual or those around him/her are reasons for appropriate disciplinary action by the University.

Except for the limited circumstances specified in University Rule 34.02.01.C1, the possession of open containers and the consumption of beer, wine, and/or distilled spirits are prohibited in all public areas of the campus. For the purposes of this rule, residence facilities' balconies and patios are considered public areas. Although students of lawful age may possess and consume alcoholic beverages in the privacy of their room or apartment, all alcoholic beverages transported through public areas on the University grounds and in residence facilities must be unopened and concealed.

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

While the University has limited jurisdiction when alcoholic beverages and illegal drugs are consumed off-campus, members of the University community are encouraged to consider these regulations as a guideline for responsible and lawful behavior. Any registered student organization that plans to include alcohol at an official function off-campus should consult with the Student Activities office for guidance to ensure risk management guidelines are followed. Failure to comply with risk management guidelines may be reason for appropriate disciplinary action by the University.

To implement an effective alcohol and other drug abuse 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, and 3) make available to the 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, University Counseling Center, and/or Human Resources.

This brochure is prepared in compliance with the Drug Free Schools & Communities Act of 1989 and is distributed annually to all University students and employees.

LEGAL SANCTIONS

Zero Tolerance for Minors with Alcohol Law

It is illegal for a minor to drive while having any detectable amount of alcohol in his/her system. The consequences of a first offense include being sanctioned by the state for a Class C misdemeanor, punishable by a fine up to \$500, attendance at an alcohol awareness class, 20-40 hours of mandatory community service, and 60 days driver's license suspension (the minor would not be eligible for an occupational license for the first 30 days). A second offense results in the same sanctions, but increases the driver's license suspension to 120 days (the minor would not be eligible for an occupational license for the first 90 days) and mandatory 40 to 60 hours of community service. If a third violation occurs,

the minor is not eligible for deferred adjudication. The minor's driver's license is suspended for 180 days (an occupational license may not be obtained during the entire suspension period). If the minor is 17 years of age or older, the fine increases to \$500-\$2,000, confinement in jail for up to 180 days, or both. Minors who purchase, attempt to purchase, possess, or consume alcoholic beverages, as well as minors who are publicly intoxicated or misrepresenting their age to obtain alcoholic beverages face the following consequences: Class C misdemeanor punishable by a fine up to \$500, a mandatory alcohol awareness class, 8-40 hours of community service, and 30-180 days loss or denial of driver's license. If a minor is 17 years of age or older and the violation is a third offense, it is punishable by a fine of \$250-\$2,000, confinement in jail for up to 180 days or both, as well as automatic driver's license suspension or denial.

Sale or Giving Alcohol to a Minor

The punishment for making alcoholic beverages available to a minor is a Class A misdemeanor, punishable by a fine of up to \$2,000, confinement in jail for up to 180 days, or both. Sale to a minor is a Class A misdemeanor, punishable by a fine of up to \$4,000, confinement up to a year in jail, or both.

Public Intoxication

A person commits an offense if he/she appears in a public place while intoxicated to the degree that he/she may endanger him/herself or another. Public intoxication is a Class C misdemeanor, punishable by a fine up to \$500.

Driving While Intoxicated

A person commits an offense if he/she is intoxicated while operating a motor vehicle in a public place. Driving while intoxicated is a Class B misdemeanor, with a minimum term of confinement of 72 hours and/or a fine not to exceed \$2,000. If it is shown on the trial of an offense under this section that at the time of the offense the person operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is a Class B misdemeanor, with a minimum term of confinement of six days and/or a fine not to exceed \$2,000.

DWI With a Child Passenger

Motorist can be charged with child endangerment for driving while intoxicated if they're carrying passengers younger than 15 years old. DWI with a child passenger is a felony and punishable with up to \$10,000 fine, up to two years in state jail, and loss of driver's license for 180 days. DWI is a Class A misdemeanor if the blood alcohol level is .15 or higher.

Possession/Manufacture/Delivery/Trafficking of a Controlled Substance

Penalties for possessing or delivering a controlled substance range according to type of substance, amount possessed or delivered, and number and type of previous violations. On the state level, misdemeanors are punishable by up to \$2,000 in fines and up to one year in jail or both. Felonies are punishable by 5-99 years, or life, in prison and up to \$20,000 in fines. On the federal level, a first conviction for possession of a controlled substance can result in imprisonment of up to one year, a fine of \$1,000-\$100,000 or both. Subsequent convictions can result in longer prison sentences, larger fines, or both. Possession of crack cocaine can result in mandatory federal prison terms of 5-20 years, fines up to \$250,000, or both. Any person who distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private college, junior college, or university is subject to twice the maximum punishment, at least twice any term of supervised release, and a fine up to twice of that authorized may be imposed. Except to the extent a greater minimum sentence is otherwise provided, a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marijuana. An individual convicted of trafficking by a federal court can receive up to life imprisonment and be fined up to \$8 million.

Possession of Alcohol in Motor Vehicle

A person commits an offense if he/she knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. "Open container" means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed. This is a Class C misdemeanor, punishable by a fine up to \$500.

FINANCIAL AID IMPLICATIONS

If you have a drug conviction, it might affect your ability to get federal student aid. Your eligibility might be suspended if the offense occurred while you were receiving federal student aid (grants, loans, or work-study). When you complete the FAFSA, you will be asked whether you had a drug conviction for an offense that occurred while you were receiving federal student aid. If the answer is yes, you will be provided a worksheet to help you determine whether your conviction affects your eligibility for federal student aid.

If you are convicted of a drug-related offense after you submit the FAFSA, you might lose eligibility for federal student aid, and you might be liable for returning any financial aid you received during a period of ineligibility.

UNIVERSITY SANCTIONS

University policies are consistent with local, state or federal law, and the University will impose sanctions against an employee who violates the standards of conduct. Student violations are handled under the most current *Student Code of Conduct*.

Student Code of Conduct

Students found in violation of the rules and regulations will be subject to sanctions commensurate with the offenses and any aggravating and mitigating circumstances. Disciplinary actions in cases involving alcohol and/or drug-related violations may result in sanctions up to and including suspension or expulsion from the University.. Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by an off-campus authority. 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 community agencies.

The University enforces Parental Notification for all students found in violation of the University Alcohol and Drug Policy and Code of Conduct as allowed by FERPA. When a student has been found in violation, a letter is typically sent to the permanent address of the student to notify parents/guardians. Students and parents are notified of this policy through the Student Handbook and Code of Conduct and New Student Orientation Safe Living sessions which address AOD issues and concerns.

The University generally sanctions students found in violation of the *Student Code of Conduct* alcohol rules to an on-line alcohol education course called "Under the Influence" facilitated by 3rd Millennium Classrooms. "Under the Influence" is a program the student must pay for and consists of nine lessons, quizzes and a final exam. The three hour course includes the eCHECKUP TO GO brief intervention for alcohol (formerly e-CHUG).

3rd Millennium also facilitates an on-line course for student violators of the rules regarding marijuana. "Marijuana 101" is a six interactive lessons including a pre-test and post-test and includes the eCHECKUP TO GO brief intervention for marijuana (formerly e-TOKE). This course also includes a 30-day Part 2 so that you can measure changes in students' attitudes and behavior. Students must pay a fee to complete the Marijuana 101 course.

Any previous disciplinary record may be considered when determining sanctions for a current violation of the *Student Code of Conduct*. Other sanctions that may be assessed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol may include but not limited to eviction from housing, alcohol and/or drug assessment, community service, and other sanctions as deemed appropriate under the circumstances.

Employment

If a supervisor reasonably suspects that use of a controlled substance or 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 shall 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 employee 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.

Testing of employees other than those occupying DOD-funded sensitive positions or those required to have a commercial driver's license 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 in these circumstances will be made by the appropriate chief executive officer or designee with the advice of the Office of General Counsel. The employee should be informed that a refusal to submit to a test, combined with a reasonable suspicion of usage, may be sufficient basis for termination.

As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the workplace or on University business to their employer no later than five days after such conviction. The employer, in turn, must so notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction and within 30 days must impose sanctions on the employee involved. Such sanctions may take the form of personnel actions against such an employee, up to and including termination or requiring the employee to satisfactorily participate in an approved employee assistance or rehabilitation program.

System employees must report to their supervisor, within twenty-four (24) hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to make the required report shall constitute grounds for disciplinary action, including dismissal.

Faculty members have the responsibility to supervise student activities on field trips. Faculty members should inform students that actions violating state laws, local regulations, and University rules regarding alcohol and drugs will not be permitted on any University field trip. Students who violate these guidelines regarding alcohol and drug use on field trips will be subject to disciplinary action.

HEALTH RISKS

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 the prime contributor to suicide, homicide, motor vehicle deaths, and other 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 many 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.

Drugs

The abuse of illicit drugs can result in a wide range of health problems. In general, illicit drug use can result in drug addiction, death by overdose, death from withdrawal, seizure, heart problems, infections (i.e., HIV/AIDS, hepatitis), liver disease, and chronic brain dysfunction. Other problems associated with illicit drug use include psychological dysfunction 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.

PREVENTION PROGRAMS

Texas A&M University-Corpus Christi offers a variety of educational workshops and programs relating to drugs and alcohol prevention. Education and prevention initiatives such as AlcoholWise, Screening and Brief Interventions, online alcohol and drug assessment/screenings and many other programs are available through the Islander Alcohol and Drug Abuse Prevention Team (I-ADAPT) and the University Counseling Center. All incoming students under 21 years of age must complete an online alcohol education and prevention course.

For a complete schedule or to request a program specific to the interests and needs of your organization, call the Office of Student Engagement and Success, 361-825-2612 or the University Counseling Center at 361-825-2703.

CAMPUS RESOURCES

A&M-Corpus Christi offers a variety of programs to promote healthy lifestyles and substance-free alternatives. Students can become involved with the planning of drug and alcohol education programs by contacting the Office of Student Engagement and Success at (361) 825-2612.

Annual Security Report - This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by A&M-Corpus Christi; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional

policies concerning campus security, such as policies concerning sexual assault, and other matters. Obtain a copy of this report by contacting the University Police Department (361) 825-4444 or by accessing the following website: <http://police.tamucc.edu/campusSecurityAct.html>.

Employee Assistance Program – The Employee Assistance Program (EAP) is designed to help A&M-Corpus Christi budgeted benefits eligible employees with personal issues including alcohol and drug problems. The EAP is completely confidential, and services are free. To contact the EAP, call (888) 993-7650.

Engagement Initiatives/Prevention Programs/I-ADAPT - The purpose of the Islander Alcohol and Drug Abuse Prevention Team is to support the mission of Texas A&M University- Corpus Christi by promoting healthy choices and reducing the harmful effects caused by abusing alcohol, tobacco and other drugs. For more information, you may visit the following website: <http://iadapt.tamucc.edu> or call (361) 825-3925.

University Counseling Center - The University Counseling Center offers educational programming, screenings, individual counseling, and support groups focused on alcohol and other drug use, abuse and addiction. For more information, call (361) 825-2703 or visit <http://counseling.tamucc.edu>.

University Health Center - The University Health Center offers general medical care for students and can provide specific information about health risks and treatment options for substance misuse/abuse. For more information, call (361) 825-2601 or visit <http://healthcenter.tamucc.edu>.

University Police Department - The University Police Department educates the University community about drug and alcohol issues as well as enforces local, state and federal law. For more information, call (361) 825-4444 or visit <http://police.tamucc.edu>.