

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Illicit Drugs and Alcohol Abuse

**Policy Number:** 13.11

**Is this policy new, being reviewed/revised, or deleted?** Review/Revise

**Date of last revision, if applicable:** 7/1/2015

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Define and state federal, state and local laws

**Reason for the addition, revision, or deletion (check all that apply):**

- Scheduled Review       Change in law       Response to audit finding  
 Internal Review       Other, please explain:

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Updated terminology and definitions.  
Updated services provided by departments, procedures, and building/services names.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Jill Milem, Director of Counseling Services  
Hollie Smith, Acting Dean of Student Affairs  
Michael Walker, Assistant Dean of Student Affairs for Support Services  
Peggy Scott, Director of Office of Student Rights and Responsibilities  
Dr. Steve Westbrook, Acting President  
Damon Derrick, General Counsel

## Illicit Drugs and Alcohol Abuse

**Original Implementation:** September 1, 1986

**Last Revision:** ~~July 28, 2015~~ January 29, 2019

It is the declared policy of the United States government to create a drug-free America. As a part of that policy, the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707, was adopted. On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendment of 1989, 20 U.S.C. § 1011i, which amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965. University policies relating to the use of illegal drugs and alcoholic beverages have been established by the Board of Regents of Stephen F. Austin State University in compliance with state and federal law.

### Definitions

1. Controlled substance means a controlled substance in schedules I through V of the Schedules of controlled substances, 21 U.S.C. § 812. Examples include, but are not limited to: heroin, marijuana, mescaline, peyote and cocaine. This definition does not include medication prescribed by a physician.
2. 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.
3. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.
4. Federal agency means an agency as that term is defined in 5 U.S.C. § 551(1).

### Standards of Conduct

It is the university's policy that all members of the university community and guests are required to comply with federal, state and local laws regarding the possession, consumption and distribution of alcoholic beverages. All employees (full-time and part-time faculty, staff and students) are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

Alcoholic beverages will be permitted at authorized events on university controlled property only as allowed under ~~the Alcohol Service policy (13.7)~~ *university policy*. The unauthorized use of intoxicating beverages on university-controlled property or at university-sponsored activities, including, but not limited to, intercollegiate and intramural athletic events is prohibited. Alcoholic beverages are not permitted in university residence halls.

It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession or

delivery of any controlled substance or illegal drug is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be.

## Health Risks

### ALCOHOL ABUSE

Alcohol is a primary and continuous depressant of the central nervous system. Impairment of judgment and of recently learned, complex and finely tuned skills begins to occur at blood alcohol concentrations as low as 0.025 percent. These impairments are followed by the loss of more primitive skills and functions, such as gross motor control and orientation at concentrations in excess of 0.05 percent. Alcohol in moderate doses impairs nearly every aspect of information processing, including the ability to abstract and conceptualize, the ability to use large numbers of situational cues presented simultaneously, and the cognitive ability to determine meaning from incoming information. Alcohol consumption can therefore promote action on impulse without full appreciation of, or concern about, the potential negative consequences of such action. Chronic long-term effects of heavy drinking over a period of years can result in brain damage; cancer of the mouth, esophagus or stomach; heart disease; liver damage resulting in cirrhosis, alcoholic hepatitis, and cancer of the liver; peptic ulcer disease; and possible damage of the adrenal and pituitary glands. Prolonged, excessive drinking can shorten life span by 10 to 12 years.

### ILLICIT DRUGS

Illicit drugs include narcotics, such as heroin or morphine; depressants, such as barbiturates, *quaaludes*, or valium; stimulants, such as cocaine or "crack"; hallucinogens, such as PCP, LSD or mescaline; cannabis, such as marijuana or hashish; inhalants, such as nitrous oxide, amyl nitrite (poppers) or various hydrocarbon solvents; and designer drugs, such as  $\alpha$ -methylfentanyl (China White), methamphetamine (*Meth/Crank/Speed*), *3,4-methylenedioxy-methamphetamine* (*MDMA*/Ecstasy) or meperidine (Demerol).

Narcotics. Narcotics initially produce a feeling of euphoria that is often followed by drowsiness, nausea and vomiting. Tolerance may develop rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as human immunodeficiency virus (HIV), endocarditis (inflammation of the lining of the heart) and hepatitis.

Depressants. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait, and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

**Stimulants.** Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and increased body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause human immunodeficiency virus (HIV), hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

**Hallucinogens.** *Include a diverse group of drugs that alter perception (awareness of surrounding objects and conditions), thoughts, and feelings. They cause hallucinations, or sensations and images that seem real though they are not. Hallucinogens can be found in some plants and mushrooms (or their extracts) or can be human-made. Common hallucinogens include the following: ayahuasca, DMT, D-lysergic acid diethylamide (LSD), peyote (mescaline), and 4-phosphoryloxy-N,N-dimethyltryptamine (psilocybin). Some hallucinogens also cause users to feel out of control or disconnected from their body and environment.* Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens, and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause *perceptual distortions (mixed senses, such as "seeing" sounds or "hearing" colors) illusions and hallucinations.* The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have ~~adverse~~ *adverse* psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

**Inhalants.** The chemicals in most inhalants are rapidly absorbed in the lungs and exert their central nervous system effects within seconds, producing an altered mental state for about five to fifteen minutes. Immediate effects of inhalants include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination and loss of appetite. Solvents and aerosol sprays can decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite can cause rapid pulse, headaches, and involuntary passing of urine and feces. Inhalation of toluene as well as other hydrocarbons has been associated with kidney and liver damage, peripheral nerve problems, convulsions, encephalopathy (organic brain damage) and other central nervous system disorders. Sudden death associated with both glue sniffing and especially the inhalation of aerosols containing halogenated hydrocarbons

(Freon) has been reported and is thought to be secondary to cardiac arrhythmias (abnormal electrical conduction patterns in the heart).

Marijuana. The short term effects of marijuana include distortion of time perception, increased heart rate, dilation of blood vessels and loss of short-term memory. Also decreased are visual perception and psychomotor skills, which have adverse effects on driving ability. The effects of long-term use include loss of motivation, chronic bronchitis, decreased vital lung capacity and an increased risk of lung cancer. Tolerance and psychological dependence develop with marijuana.

~~Designer~~ *Other Illegal Drugs.* Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain. *Flunitrazepam (Rohypnol) is a benzodiazepine chemically similar to prescription sedatives such as Valium and Xanax but much more powerful and has been used to commit sexual assaults due to its ability to sedate and incapacitate unsuspecting victims. Similarly, Gamma-hydroxybutyrate (GHB) is a depressant and is sometimes used as a date rape drug.*

*Synthetic cannabinoids are part of a group of drugs called new psychoactive substances (NPS). NPS are unregulated mind-altering substances that have become newly available on the market and are intended to produce the same effects as illegal drugs. Synthetic cannabinoids are marketed under a wide variety of specific brand names, including K2, Spice, Joker, Black Mamba, Kush, and Kronic. Synthetic cannabinoids are not safe and may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases, more dangerous or even life-threatening. Synthetic cathinones, more commonly known as "bath salts," are human-made stimulants and are include in the group of NPS. Common effects of synthetic cathinones included elevated heart rate, blood pressure, and chest pain. Other effects include delirium, dehydration, breakdown of skeletal muscle tissue, and kidney failure. Intoxication from synthetic cathinones can result in death.*

## University Penalties

### STUDENTS

Any student who is determined, through the regular disciplinary procedures of the university, to have violated the policy on the use of illicit drugs will be suspended from the university for no

more than two years and no less than the remainder of the current semester. *This includes suspension for possession of illegal drugs and the potential for expulsion for the sale or distribution on campus.* At the discretion of the vice president for university affairs or his/her designee, a student suspended under this policy may, under certain conditions, remain enrolled at the university on disciplinary probation. These conditions can include substance abuse evaluation, treatment and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

University sanctions imposed for alcohol possession or consumption can include progressive levels of probation leading to suspension for multiple offenses, attendance at an alcohol education class offered by the university, community service, substance abuse evaluation, treatment and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

#### EMPLOYEES

All employees (full-time and part-time faculty, staff and students) are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

Observance of the policy regarding alcoholic beverages and illegal drugs is a condition of employment for all university employees. An employee violating this policy shall be subject to employment discipline up to and including termination, or shall be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program, such as the Employee Assistance Program of the university.

Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the ~~director~~ dean of research and ~~sponsored programs~~ graduate studies. On behalf of the university, the ~~director~~ dean of research and ~~sponsored programs~~ graduate studies shall will notify the federal agency grantor or contractor of the conviction within ten days of the university's receipt of notice from the employee or of receipt of other actual notice.

#### Good Faith Effort

Stephen F. Austin State University shall make a good faith effort to maintain a drug-free workplace by implementing and enforcing this policy. The university shall also comply with United States Department of Transportation regulations regarding drug testing of drivers with a commercial

driver's license.

### Federal Law

Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution or dispensing drugs (includes marijuana)	A term of imprisonment not more than 20 years, and a minimum fine of \$1,000,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$4,000,000 (for an individual) or \$20,000,000 (if other than an individual)
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years or not less than 5 years, a fine of not less than \$5,000 plus costs of investigation and prosecution
Operation of a common carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

### Texas Law

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances (drugs)	Confinement in the Texas Department of Criminal Justice State Jail facility for a term of not more than two years or less 180 days, or confinement in a community correctional facility for not more than 1 year, and a fine not to exceed \$10,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Delivery of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000
Possession of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more

		than 10 years or less than 2 years and a fine of not more than \$10,000
Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	Confinement in jail for a term of not more than two years or less than 72 hours, and a fine of not more than \$2,000, possible loss of driver's license and license surcharge up to \$2,000 per year for three years.	Confinement in jail for a term of not more than two years or less than 30 days, or confinement in TDCJ for a term of not more than ten years or less than two years and a fine of not more than \$10,000
Public intoxication		A fine not to exceed \$500
Purchase or consumption or possession of alcohol by a minor	Fine of not more than \$500	For a subsequent offense a fine of not less than \$250 nor more than \$2000
Sale of alcohol or furnishing alcohol to a minor	Fine of up to \$4,000 and/or up to 1 year in jail	Both
Purchase of alcohol or furnishing alcohol to a minor at a gathering involving abuse of alcohol, including binge drinking or coercion	In addition to any other penalty, community service for not less than 20 hours, attendance at an alcohol awareness program, and suspension of driver's license for 180 days.	In addition to any other penalty, community service for not more than 40 hours, attendance at an alcohol awareness or driving awareness program, and suspension of driver's license for 180 days.
Driving under the influence of alcohol by a minor	Fine of not more than \$500 and community service related to education about or prevention of misuse of alcohol.	A fine of not less than \$500 or more than \$2,000, confinement in jail not to exceed 180 days and/or both; community service related to education about or prevention of misuse of alcohol.

### Limited Immunity When Requesting Medical Assistance

A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor: (1) requests emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance; and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person, the minor remained on the scene until medical assistance arrives and cooperated with medical assistance and law enforcement personnel.

This immunity shall also apply to the imposition of any university sanction.

#### Limited Immunity When Reporting Sexual Assault

*A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to: (1) a health care provider treating the victim of sexual assault; (2) an employee of a law enforcement agency, including the University Police Department; or (3) the Title IX Coordinator or other university employee responsible for responding to reports of sexual assault. The alleviation of sanctions will not apply to any student found to be responsible for committing a sexual assault.*

*This immunity shall also apply to the imposition of any university sanction.*

#### Counseling, Treatment and Rehabilitation

##### STUDENTS

Stephen F. Austin State University, through the counseling services office, *provides individual and group counseling, including counseling for alcohol/other drug prevention and intervention, which is available to all students.* ~~alcohol/drug abuse prevention service which is available to all students.~~ Services include assistance in abstaining from the use of chemical substances, early intervention when chemical abuse is detected, and referral to ~~a campus support system and/or a community referral resources~~ for inpatient/outpatient services not available on campus. Medical counseling and printed information on chemical dependency are available through ~~University Health Services, the campus student health facility~~ *the Student Health Clinic*. Students may seek individual counseling or request printed information at either campus location.

##### Prevention/Education.

*Consistent with the overall objective of this policy to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on campus, prevention and education initiatives are designed to: increase awareness of the students, faculty, and staff concerning the psychological and health risks associated with chemical use; provide information to students regarding a variety of wellness issues which promote successful college adjustment; and, orient students, faculty and staff to the services available on campus and locally for treatment options. The Lumberjacks Care Peer Educator program (Student Wellness Action Team) offer presentations to student groups on a variety of topics including alcohol and substance abuse, adult children of alcoholics, assertiveness skills, stress and time management, self-esteem and related issues. Public programing occurs throughout the year across campus including but not limited to, wellness fairs, campus events, passive tabling, and Residence life programs. In addition, student groups, departments, or individual courses, may request private trainings addressing the risk of substance abuse and other wellness programing by contacting the Lumberjacks Care office.*

*On request, Counseling Services provides presentations on a variety of topics including healthy stress management techniques, maintaining personal wellness, and other mental health related topics, which include information designed to increase awareness of the psychological and health risks associated with chemical use.*

#### Referral/Assessment.

Any SFA student requiring information about, or assistance with, a chemical abuse problem may be referred to ~~the assistance program~~ *counseling services*. A student may initiate a self-referral by contacting the counseling office; university faculty and staff may initiate a student referral.

Participation by a student is voluntary, except when mandated by the student conduct authority. A counselor conducts an assessment interview on the student's initial visit and provides the student with details regarding confidentiality and record keeping requirements. The counselor informs the student of alternatives and makes recommendations based on the student's needs.

#### Campus Support System.

*Counseling services can assist students in accessing support systems on campus, including providing group counseling support as needed. Support groups function under guidelines established by counseling services.*

~~Counseling services serves as a link between the individual student and support groups which are available for chemical dependency, adult children of alcoholics and victims of sexual abuse. Support groups function under guidelines established by counseling services.~~

#### Community Referral.

Services for chemical dependency are available in the Nacogdoches community and include: private practitioners offering individual counseling or intellectual/psychological assessment; *and agencies (such as the Alcohol and Drug Abuse Council) which provide a variety of services such as individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient or outpatient treatment.* ~~self-help groups such as Alcoholics Anonymous and Narcotics Anonymous; and inpatient/outpatient treatment.~~

#### EMPLOYEES

University employees with supervisory responsibilities should be cognizant of employee behavior related to unacceptable job performance which may result from drug or alcohol abuse. Any decision to initiate employee counseling or a referral to human resources should be based on the employee's unacceptable job performance (which may include violations of this policy). Employee counseling, referral and related record keeping should be conducted with the degree of care and confidentiality appropriate to such personnel matters. ~~Alcohol and drug abuse seminars are among the services provided cost free to university employees. Other s~~Services for employees with a chemical dependency are available in the community, including private practitioners offering individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous,

and inpatient/outpatient treatment at various health care facilities.

### Review and Assessment

It is the intent of Stephen F. Austin State University to continue to strive for a drug-free campus and to comply with state and federal regulations regarding prevention programs established to eliminate the illegal use of drugs and alcohol abuse. To this end, SFA will provide written notice to each student and employee a copy of this policy. Students will receive written notice according to the following schedule:

- On *the first business day following* the 12<sup>th</sup> class day of each long semester
- On *the first business day following* the 8<sup>th</sup> class day following mid-term in each long semester
- On *the first business day following* the 2<sup>nd</sup> class day of Maymester
- On *the first business day following* the 4<sup>th</sup> class day of Summer I and II semesters

Employees will receive written notice no later than October 31<sup>st</sup> of each year, and all new employees will be notified during new employee orientation.

In addition, the university will conduct a biennial review of the program implemented to provide a learning and working environment free of drug and alcohol use. The purposes of the biennial review will be to: 1) determine the effectiveness of the program and implement needed changes; and 2) ensure that the sanctions included in the program are consistently enforced. The university's dean of student affairs will be responsible for initiating the biennial review. The results of this review will be released in July of even numbered years.

**Cross Reference:** Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707; Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1011i, 34 C.F.R. §§ 86.1-411; 21 U.S.C. §§ 812, 841-865; 5 U.S.C. § 551(1); General Appropriations Act; Texas Gov't Code § 2113.012; OMB Circular A-21; Tex. Transp. Code § 708.102; Tex. Alco. Bev. Code §§ 106.01-.15; Tex. Penal Code §§ 12.01-.49, 49.01-.12; State of Texas Travel Allowance Guide; Faculty Code of Conduct (7.11); Student Code of Conduct (10.4); Drug and Alcohol Testing (11.6); Discipline and Discharge (11.4); Alcohol Service (13.7)

**Responsible for Implementation:** President

**Contact for Revision:** ~~General Counsel~~ *Director of Human Resources, Dean of Student Affairs*

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs