



**Stephen F. Austin State University  
Biennial Review of Alcohol and  
Other Drug (AOD) Programs  
2020-2022**

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## Table of Contents

Introduction.....	4
Annual Notifications.....	5
Employee Notification and Policy.....	5
Student Notification and Policies.....	6
Student Code of Conduct.....	6
Campus Recreation and Wellness Programs.....	7
On-Campus Residence Halls Standards of Community Living.....	7
New Student Orientation.....	9
Resources for Employees and Students.....	9
Employees.....	9
Students.....	10
Education and Prevention Efforts.....	11
Athletics Department.....	11
Basic Training.....	11
Counseling Services.....	12
Fraternity and Sorority Life.....	13
Health Services/Health Clinic.....	14
Jack Camp.....	14
New Student Orientation and Transition Programs.....	15
Office of Diversity, Equity, and Inclusion.....	15
Office of Student Conduct.....	16
Residence Life.....	16
University Police Department.....	17
Enforcement.....	18
Review of Goals from 2018-2020 Report.....	19
Recommendations for the 2020-2022 Report.....	19
Summary.....	19
Appendix A.....	20
Appendix B.....	25
Appendix C.....	52
Appendix D.....	62
Appendix E.....	72

## Introduction

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require institutions of higher education to document their efforts related to the prevention of alcohol abuse and the use and or distribution of illegal drugs by both employees and students. At a minimum, schools must annually distribute the following in writing to all students and employees:

- Standards of conduct prohibiting the unlawful possession, use or distribution of illicit drugs or alcohol by students and/or employees;
- A description of the legal sanctions under local, state or federal law related to the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment or rehabilitation or re-entry programs available to students and/or employees;
- A clear statement that the institution will impose sanctions on students and employees; and
- A description of those sanctions, up to and including expulsion/termination of employment, for violations of these standards of conduct

The law further requires institutions to conduct a biennial review of its alcohol and other drug prevention efforts with the following objectives:

- Determining the effectiveness of the policy and implementing changes to the alcohol and other drug program if needed; and
- Ensuring that sanctions are consistently and evenly applied

The biennial review must also include information regarding the number of AOD-related violations and fatalities occurring on the campus, as well as the number and type of sanctions imposed on students and employees for violations of the applicable standards of conduct. The following campus units provided information for this report:

- Athletics
- Counseling Services
- Dean of Students
- Diversity, Equity, and Inclusion
- Fraternity and Sorority Life
- General Counsel
- Health Clinic
- Human Resources
- Residence Life
- Student Engagement
- Student Conduct and Outreach
- University Police Department

The intent of this document is to meet the legal requirements of conducting the biennial review, as well as to document the alcohol and drug prevention efforts at Stephen F. Austin State University (SFA) for the 2020-2021 and 2021-2022 academic years.

### Annual Notifications

#### **Employee Notification and Policy**

**Human Resources-** All new employees receive notice of the [Drug and Alcohol Testing Policy](#) (SFA policy 11.6) and [Illicit Drug and Alcohol Abuse Policy](#) (SFA policy 13.11) during new employee orientation. A signed acknowledgement of receipt is required. Failure to sign an acknowledgement of receipt shall not nullify the notice provided by the university. Existing employees are notified of the Drug and Alcohol Testing policy and its revisions through their SFA email, no later than October 31st of each year.

The following data reflects the employee annual notifications from fall 2020 - fall 2022 reporting period:

	Fall 2020	Fall 2021	Fall 2022
<b>Number of Employees Notified</b>	Faculty: 763 Staff: 995 Total: 1758	Faculty: 737 Staff: 895 Total: 1632	Faculty: 730 Staff: 919 Total: 1649

The policy statement distributed to all university employees is found in Appendix A.

#### **Student Notifications and Policies**

Stephen F. Austin State University policies and procedures regarding alcohol and drugs are seen in every area of campus life. These policies may be found in the [Student Code of Conduct](#), [the Student Handbook](#), [Residence Life Community Guidelines](#), and the [Intercollegiate Athletics Manual](#). Students are notified of policies via MySFA email by the official attendance reporting date. MySFA is an online portal that all University students and employees use to access email, course information and a variety of university functions. Official notification schedule:

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

The following data were compiled for the annual notification in this reporting period:

	Fall 2020	Spring 2021	Summer 2021	Fall 2021	Spring 2022	Summer 2022
<b>Number of Students Notified</b>	12,620	11,428	4,584	11,946	10,586	4,347

The email sent to students reads as follows:

Below you will find a list of policies that you should become familiar with as you start or continue your academic journey here at SFA. Please be advised that the following policies may be updated periodically and the OSRR encourages you to refer to the [online policy manual](#) for any updates.

[2.11 Nondiscrimination](#)

[2.13 Title IX](#)

[4.1 Student Academic Dishonesty](#)

[6.7 Class Attendance](#)

[9.3 Digital Millennium Copyright](#)

[10.3 Hazing](#)

[10.4 Student Code of Conduct](#)

[10.13 Students Displaying Serious Psychological Problems](#)

[13.9 Firearms, Explosives and Ammunition](#)

[13.11 Illicit Drugs and Alcohol Abuse](#)

[13.21 Smoking, Vaping and Use of Tobacco Products](#)

Additionally, you may want to visit the University's [Department of Public Safety](#) web page to learn about the services and programs that are available to you regarding campus and personal safety.

Again, welcome to campus and please do not hesitate to contact the OSRR if we can be of any assistance to you. You may reach us at 936-468-2703 or drop by the office located in Rusk 315. The OSRR is dedicated to being a part of your success! Axe 'em, The Office of Student Rights & Responsibilities

### **Student Code of Conduct**

SFA outlines standards of conduct in the Student Code of Conduct (complete code found in Appendix B), found in [SFA Policy 10.4](#), which includes the following regulations:

Conduct- Rules and Regulations- Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

Alcohol- Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university policies such as [Alcohol Service Policy 13.7](#), and [Illicit](#)

[Drugs and Alcohol Abuse Policy 13.11](#) (Appendix C), is prohibited on university premises and university sponsored events. Students are expected to comply with all state and local laws, as well as all Residence Life regulations regarding the presence of alcohol in the residence halls (see also, [Residence Life Community Guidelines](#)) including, but not limited to:

- a. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
- b. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.
- c. Being found in a state of public intoxication or drunkenness is prohibited.
- d. Possession of common containers (e.g. kegs, trash cans, etc.) on campus is prohibited.
- e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol is prohibited.
- f. Violating any provision of the Code of Student Conduct while under the influence of alcohol is prohibited.

**Illegal Drugs-** The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. The act of abusing legally obtained drugs by failing to take the drug as directed. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled substances, drug paraphernalia or dangerous drug is also prohibited. (See also [Illicit Drugs and Alcohol Abuse policy 13.11](#) in Appendix C).

### **Campus Recreation and Wellness Programs**

Policies specific to the Campus Recreation department are highlighted in the [SFA Campus Recreation Policies guide](#). Participants in Campus Recreation programs, whether in outdoor pursuits, sport clubs and/or intramurals, must follow the Campus Recreation policies. In relation to alcohol and drugs, the following are strictly prohibited, as highlighted in the policy guide:

- Alcohol or drugs
- Individuals under the influence of alcohol or drugs
- Tobacco products of any kind, including e-cigs

### **On-Campus Residence Halls Standards of Community Living**

When signing up to live in on-campus residence halls, students must sign a contract. The following information is listed in the [Residence Life Community Guidelines](#), which are referenced in the contract:

#### **Safety Inspections**

Residence Life staff members will conduct regular health and safety inspections in all residence hall rooms. The purpose of the inspection is to ensure the residents' safety and assess the condition of each room. Items found that are prohibited by the community guidelines will be confiscated, and the resident will be subject to disciplinary action. Students will be issued a warning on the first violation, and violations thereafter, and will be billed \$75 for each subsequent violation, with the exception of candles/incense, which will be billed on the first violation. Confiscated items may be picked up from the area coordinator when the resident plans

to take them home, with the exception of alcohol, which will be disposed of upon discovery if found in the possession of an underage student. Illicit substances or paraphernalia are also an exception and will be disposed of upon discovery, Notice of inspection dates will be posted prior to the scheduled inspection. The SFA Department of Environmental Health, Safety and Risk Management, as well as the State Fire Marshal, also may conduct random room inspections throughout the semester.

### Conduct- Alcohol

To legally possess or consume alcohol in the State of Texas, you must be at least 21 years of age. Because the majority of those living in residence halls are under 21, there are limits to alcohol possession, consumption and distribution, even if you are at least 21.

If you are at least 21, you may possess or consume alcohol responsibly within the following limits:

1. You may only possess a reasonable amount of alcohol that is less than or equal to 14% alcohol by volume.
2. All alcohol must be stored and consumed within your private bedroom or in the bedroom of another resident who is 21 years old, unless all occupants assigned to the same unit are 21 years of age then alcohol may be stored or consumed in the common living area.
3. Consumption or possession of alcoholic beverages in open containers is prohibited in the corridors and common areas, such as lounges or lobbies, of University residence facilities. Alcohol transported through public areas must be unopened.
4. It is the responsibility of the resident who is 21 years old to ensure underage guests, other residents, or underage roommates do not have access to any alcohol they possess.
5. University police or residence life staff may request proof of identification and age for anyone in possession or for all present where alcohol is being consumed. Everyone present must comply with the request of the staff member or be found in violation of the policy and subject to disciplinary sanctions or removal from campus. Proof of identification and age includes providing a valid driver's license or a valid passport along with a current SFA ID card, if a student.

In conjunction with this expectation and the *Student Code of Conduct*, the following behaviors and similar behaviors not listed are restricted:

- Drinking directly from multiple serving containers
- Use of common source containers such as kegs, party balls, water jugs, etc.
- Drinking games or any activities that promote excessive alcohol consumption
- Possession or use of party game items such as beer bongs, beer pong, etc.
- Alcohol bottles/cans used as decoration



## Conduct-Drugs

It is the policy of SFA that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. The student conduct code also prohibits possession of drug paraphernalia. 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. Therefore, in accordance with state law and university policy, any student who is determined, through regular disciplinary procedures of the university, to have violated this policy may be suspended for a period of time (not to exceed two calendar years, but no less than the remainder of the current semester). This policy enforces state law.

## New Student Orientation

During new student orientation, all students receive information about policies related to drug and alcohol misuse. During the 2018 and 2019 years, all students received a copy the [Student Handbook](#), which highlight policies that have been adopted to help students succeed and remain in good standing with the university. During the 2020 orientation, all students received digital copies of the handbook. Some of the policies highlighted in the handbook include the university's illicit drug and alcohol policy, the student conduct code and the university's policy on hazing.

## **Resources for Employees and Students**

### Employees

Human Resources offers the following to SFA employees:

- Drug treatment options are detailed for employees in a document that describes the *HealthSelect* coverage both in-network and out-of-network benefits. A list of available treatment centers is also provided. Several Licensed Chemical Dependency Counselors are locally available. A complete list for SFA faculty/staff utilizing the insurance benefits package may be found on the Blue Cross Blue Shield, Health Select webpage. SFA also has an employee assistance program (EAP) which provides resources to employees for counseling and treatment options.
- Procedures for random testing, post-accident testing and testing for reasonable suspicion are described in [SFA Policy 11.6](#).
- SFA Counseling Clinic is open to all employees and is dedicated to providing quality care for the treatment of personal problems, including dependency issues.

### Results of Drug/Alcohol Testing

The Environmental Health, Safety and Risk Management Office conducts drug and alcohol testing at random, suspicion, post-accident and as required by the Department of Transportation and Commercial Driver's License requirements.

The following chart outlines the number of tests conducted and positive results:

2020	2021	2022
Tested- 23 Positive Results- 2 (illegal drugs)	Tested- 17 Positive Results- 0	Tested- 13 Positive Results- 1 (illegal drugs)

## Students

Counseling Services assists SFA students in overcoming obstacles to their personal and academic goals. This is accomplished through individual and group counseling for students and through outreach, presentations, training and consultation for the campus community. Counseling Services respects and values diversity. Services provided by Counseling Services may include individual, couple, and family counseling (for enrolled students with family member(s)), groups, workshops, outreach presentations, programming, consultation and referrals, and crisis response. In addition, counseling sessions and presentations over the topic of substance abuse are offered.

The Student Wellness Action Team, known as SWAT, is collaboratively overseen by SFA Counseling Services and SFA Campus Recreation. The SFA SWAT is a group of peer health educators comprising undergraduate and graduate students from a variety of majors at SFA. The purpose of the program is to train and empower student volunteers and interns to educate about and advocate for healthy alternatives and behaviors on the SFA campus. SWAT members achieve this by organizing and conducting presentations and outreach events, establishing a social media presence, and advocating for health-related policies on the SFA campus.

Counseling Services and SFA SWAT offer educational presentations for students pertaining to alcohol and other drugs and are available by appointment.

### Local Community Resources for Students and Employees:

- Alcohol and Drug Abuse Council of Deep East Texas - (800) 445-8562
- Michael E. DeBakey VA Medical Center - Charles Wilson VA Outpatient Clinic - (888) 771-6276
- Cenikor Foundation - Substance Abuse Facility - (903) 630-7461
- Alcoholics Anonymous - (936) 564-3388 and (936) 569-6441

#### Local Licensed Chemical Dependency Counselors:

- Jan L. Hensarling - (936) 560-6855
- Ginger F. Stephens - (936) 305-3070
- Amber N. Scripsick - (936) 283-8729
- Erin E. Cameron - (936) 201-7779

### **Other Educational Resources:**

- [Mothers Against Drunk Driving \(MADD\)](#) was created to help stop drunk driving, help fight drugged driving, support the victims of these violent crimes and prevent underage drinking.
- [National Institute on Alcohol Abuse and Alcoholism](#) supports and conducts research on the impact of alcohol use on human health and well-being.
- [The National Council on Alcoholism and Drug Dependence](#) provides a site that contains comprehensive information on issues of prevention, research, treatment and more.
- [Responsibility.org](#) is a site dedicated to fighting drunk driving and underage drinking.
- [Additionresource.com](#) is a site created to help addicts and their loved ones overcome addiction.

## **Education and Prevention Efforts**

### **Athletics Department**

The Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing and professional guidance.

- Education- as part of the NCAA Life Skills Program, SFA provides student-athletes and athletics staff with accurate information about problems associated with substance use in sports, promoting health and safety in sport on a yearly basis as well as providing interactive educational modules required for student-athletes as part of the student development plan.
- Testing- all SFA student-athletes are eligible for both year-round drug testing by SFA and by the NCAA. SFA selects a random sample from each team (20%) regularly during the school year to test for illegal drugs; whereas, the NCAA tests for performance enhancing drugs both during the year and at championship events.
- Professional Referral- facilitating appropriate treatment and rehabilitation of student-athletes.

### **Basic Training**

Registered student organization leaders are required to attend [Basic Training](#) annually. The training is facilitated by campus officials and includes a review of applicable policies and practices related to organizational functions, risk management and alcohol/drug use at programs. Organization officers are required to sign the risk management contract indicating that they and their members will comply with all university alcohol and drug policies while engaging in organizational activities.

The chart below specifies the number of basic training participants.

2018	2019	2020	2021	2022
844	940	908	875	914

## Counseling Services

Counseling Services assists SFA students in overcoming obstacles to their personal and academic goals through individual and group counseling for students and through outreach, presentations, training, and consultation for the campus community. In addition, counseling sessions and presentations on the topic of substance abuse are offered. During the 2020–2021-year, Counseling Services conducted 115 presentations that mentioned, and one presentation specifically focused on, issues related to substance use and provided education related to the effects of substance use. Covid-19 impacted the number of outreach efforts and presentations that Counseling Services typically provides. The following chart reports the number of counseling sessions held that addressed substance abuse issues:

2020-2021	2021-2022
57	35

The Student Wellness Action Team, known as SWAT, is collaboratively overseen by SFA Counseling Services and SFA Campus Recreation. These peer health educators educate and advocate for healthy alternatives and behaviors on the SFA campus. SWAT members achieve this by organizing and conducting presentations and outreach events, establishing a social media presence and advocating for health-related policies on the SFA campus.

The objectives of the SFA SWAT are to:

- provide peer educators training in current health-related issues
- develop peer educators' communication skills
- provide peer educators the opportunity to organize special events
- teach the application of theory to influence human health behavior
- demonstrate the effectiveness of positive peer influence in promoting healthy behaviors
- develop peer educators' abilities to work in a team-based environment
- teach environmental prevention strategies in influencing health-related behaviors
- provide opportunities for health advocacy in a community

The SFA SWAT educates about the following collegiate health issues:

- Alcohol, Tobacco and Other Drugs
- Stress Management
- Suicide Prevention
- Sexual Violence Prevention
- Sexual Health
- Bystander Intervention
- Body Image Issues and Eating Disorders
- Healthy Relationships
- Health and Wellness

The SFA SWAT facilitates an interactive Alcohol Jeopardy presentation for SFAS 1101 and other academic classes, residence life programs, Greek life and student clubs and organizations.

Throughout the school year SWAT collaborates with various student clubs and organizations, as well as non-profits in the Nacogdoches community: Black Mental Health Organization, Psi Chi, The Pantry, Jacks Council on Family Relations, LGBTQ+ Equality Caucus, Family Crisis Center, among others. The SFA SWAT facilitates an interactive Alcohol Jeopardy presentation for SFASU 1101 and other academic classes, residence life programs, and student clubs and organizations.

SFA SWAT members are required to complete training which focuses on collegiate alcohol abuse prevention, sexual violence prevention, and sexual health issues in order to participate in the program. During the 2018-2019 year, SWAT had approximately 20 members. In 2019-2020, SWAT had approximately 15 members. Membership and outreach were significantly impacted by the pandemic shutdown in Spring 2020.

The following chart outlines the presentations by SFA SWAT:

<b>Spring 2020</b>	0 Alcohol Jeopardy presentations due to COVID
<b>Fall 2020</b>	Alcohol Jeopardy presentations
<b>Spring 2021</b>	Alcohol Jeopardy presentations
<b>Fall 2021</b>	10 Alcohol Jeopardy presentations due to COVID

### **Fraternity and Sorority Life**

Fraternity and Sorority Life provides students with opportunities for personal growth and the development of interpersonal skills. The office of Fraternity and Sorority Life facilitated an Alcohol Skills Training Program (ASTP). The event had 50% participation from 14 IFC chapters, resulting in approximately 200 students (2019).

The program was not hosted in 2020 or 2021 due to COVID and professional staff vacancies, but the newly hired Assistant Director of Student Engagement will be hosting ASTP training in the 2022.

SFA has 22 fraternities and 10 sororities, with the majority having the requirement by their national offices to produce alcohol and other drug prevention programming annually. Annual programs such as Tau Kappa Epsilon’s Miss Greek, educate participants on the dangers of drinking and driving. All proceeds benefit Mothers Against Drunk Driving. Hundreds of students participate and attend this annual event. The event was canceled during 2020 due to COVID-19. In addition, Omega Delta Phi hosts an annual alcohol awareness campaign that includes opportunities to sign a petition against drunk driving and other prevention activities. This annual event was canceled during 2020 due to COVID-19. Due to low fraternity membership numbers the program has not been reimplemented.

The following programs were planned by several fraternities and sororities:

Date	Drug and Alcohol Education/Prevention Program	Attendance	Student Organization
Spring 2020	Risk Reduction	87	Tri Delta
Spring 2020	Walk for Tre (Drunk Driving Awareness Program)	not reported	Omega Delta Phi
Spring 2021	Tightrope Program: Alcohol Safety and Awareness Training	39	Theta Chi
Spring 2021	Drinking and Driving awareness presentation from University Police Dept.	15	Kappa Delta Chi
Fall 2021	Ladder of Risk	21	Pi Kappa Phi
Fall 2021	Tre Foundation Program: Alcohol Awareness	75	Omega Delta Phi
Fall 2021	Tightrope Program: Alcohol Safety and Awareness Training	54	Theta Chi
Fall 2021	Alumni Alcohol Awareness Panel	9	Alpha Gamma Rho
Spring 2022	Take a Stand: Hazing and Alcohol Awareness training	21	Alpha Tau Omega
Spring 2022	UPD Presentation Alcohol & Drug Abuse	13	Phi Kappa Psi

### Health Services/Health Clinic

The Department of Health Services/Health Clinic screens for alcohol and other drug abuse and offers students treatment in seeking assistance for alcohol and drug dependence. Additionally, the department conducts required drug tests for intercollegiate athletics, spirit teams, BACK on TRAC program and academic programs requiring them.

### Jack Camp

A variety of programs related to alcohol and other drugs are produced each year by Student Engagement Programs. Jack Camp (SFA's first-year transition camp) coordinates activities that educate first-year students on the dangers of alcohol and substance abuse through an interactive skit presentation. In addition, small group discussions are facilitated by student leaders to discuss negative impacts drug and alcohol can have on a student's first year.

The chart below specifies the number of student participants.

August 2020*	August 2021
1591	436

\*Due to the pandemic, August 2020 programming was delivered in a different format. Orientation and Jack Camp were combined programs.

### **New Student Orientation and Transition Programs**

New Student Orientation and Transition Programs informs all new students of the educational opportunities and assists with the transition process of students and families into campus life. During the five new student orientation programs each year, several sessions are dedicated to alcohol and drug prevention. These include:

- Skits featuring the dangers and consequences of alcohol misuse
- Sessions presented by the Dean of Students on the consequences of drug misuse
- Lumberjack Life sessions featuring peer discussions related to campus life and student code of conduct.
- A printed postcard link to Student Handbook is given to every new student during orientation. References to the handbook, which reports the dangers of drug and alcohol abuse, are featured during the Lumberjack Life sessions.

The chart below specifies the number of new student orientation participants:

Summer 2020*	Summer 2021	Summer 2022
2,059	2,209	2,201

\*Due to the pandemic, August 2020 programming was delivered in a different format, and Orientation and Jack Camp were combined programs.

### **Office of Diversity, Equity and Inclusion**

In the spirit of the SFA honor code, known as The SFA Way, and to promote a culture of respect and understanding, all incoming students are required to complete an online training called Get Inclusive: Voices for Change. This program, which is housed within SFA’s Office of Diversity, Equity, and Inclusion, is designed to help prepare college students for issues they may confront at college. It covers important topics such as students' rights and responsibilities; preventing sexual violence, dating violence, stalking, harassment, and bullying; bystander intervention; substance use; and acting as allies for others in need. The Voices for Change training is required for all incoming students and is available online, on the home tab of the student’s mySFA platform.

The Get Inclusive: Voices for Change training includes the following topics concerning drug and alcohol prevention:

- The importance of being a responsible bystander if someone has had too much to drink and it is impacting their judgment.

- The impacts of alcohol and drugs, including the way they play out in social settings, and how to set boundaries for ourselves around substance usage.
- Alcohol in college: How it is used in social settings; binge drinking, and moderate drinking are defined; standard drink measurements are provided; and the effects of peer pressure are discussed.
- Information on the three most used substances on campuses: Adderall, prescription opiates and alcohol. This section also covers their uses, effects and realities of misuse.
- Outcomes of misuse and how to recognize the signs of alcohol poisoning and addiction.
- On-campus resources for the effects of misuse such as counseling, University Police Department and the Health Clinic.
- Details on how to intervene if you recognize someone might be struggling with alcohol or drug misuse or addiction.

In 2020, a total of 3,062 new students completed this required training. In 2021, a total of 981 students completed this required training. So far, in 2022, a total of 2,235 students completed this required training.

The requirement of the Get Inclusive: Voices for Change training is enforced by placing a registration hold on the accounts of those who did not complete the online course by the 12th class day of each semester, prohibiting them from registering for classes until the course was completed. However, the hold process was not correctly implemented in 2021 due to staffing issues within the division during this time period, which caused lower completion rates than normal. Nevertheless, this process has now been corrected and holds will continue to be placed on those for current and historical incompleteness.

### **Office of Student Conduct and Outreach (SCO)**

The mission of the Office of Student Conduct and Outreach (SCO) at Stephen F. Austin State University is to facilitate a positive and safe environment for student learning, and to foster a university community based on the core values of integrity, civility, honesty, respect, and accountability. SCO addresses behavioral misconduct in a manner that educates students and student organizations on the importance of ethical decision making and becoming more responsible citizens of the university community and global society. Prior to January 2022, this office was named the Office of Student Rights and Responsibilities (OSRR).

### **Residence Life**

Residence Life offers many alcohol and drug education and prevention programs for residential students each year. Many of these programs include collaboration with Office of Diversity, Equity and Inclusion and the University Police Department. Resident Hall Community Assistants plan programs regularly with the mission of helping students understand the consequences of alcohol and other drugs. Examples of programs scheduled during 2018-2020 included What's In Your Red Solo Cup, Buzz Kill, Booze with Boo's, Spook the Booze, Mocktails, Red Cup Toss, Kahoot The News and Seeing the Danger.



Residence Life staff presentations related to substance use are included in chart below:

Fall 2020	Spring 2021	Fall 2021	Spring 2022
20 programs	No programs due to COVID-19.	3 programs	1 program

The Department of Residence Life employs full-time professional staff and part-time student staff to live in residential facilities in order to provide relevant programming and deal with emergencies. Both are specially trained to manage issues related to alcohol and other drugs. Detailed training is held prior to each fall, and a shorter refresher training with special tracks for new staff is held prior to the spring semester.

### University Police Department (UPD)

The University Police Department is supportive of the university’s [Drug and Alcohol Testing](#) and [Illicit Drug and Alcohol Abuse Policy](#), which are distributed annually to current and prospective employees and students by various university departments. The University Police Department is obligated to enforce all laws and university rules and regulations pertaining to the possession, sale, distribution and consumption of alcoholic beverages on university-owned property. The illegal use, possession, sale, distribution or manufacturing of drugs is not tolerated on university-owned property. The University Police Department looks for various ways to help educate our campus community. The department offers training on a variety of subjects, including “RAD” self-defense classes for Men and Women. UPD officers present at SFAS 1101 classes, and offer classes on “Alcohol and Drug Awareness.” Trainings dedicated to drug and alcohol awareness include:

- Sexual Assault Awareness – Informs of the potential dangers of leaving drinks unattended at clubs or parties and going out alone and encourages using the buddy system and knowing where and with whom you are going.
- Drug and Alcohol Awareness – Educates attendees regarding the effects of drug and alcohol use. UPD provides “drunk goggles” at presentations that show how drugs and alcohol can affect a person's judgement. The attendees are made aware of how drug use will affect their academic status, possible disciplinary sanctions imposed, and possible criminal charges that could be filed.

Alcohol and drug presentations conducted by University Police Department are as follows:

Program	2020	2021	2022
<b>SFAS 1101 Presentations/ Drug and Alcohol</b>	32	30	30
<b>General Safety Presentations/ Drug and Alcohol</b>	52	50	30
<b>RAD Class/ Drug and Alcohol</b>	22	24	12
<b>Residence Hall Training: Drug and Alcohol</b>	20	20	20

## Enforcement

There are two primary departments at Stephen F. Austin State University responsible for enforcing law/policies related to student alcohol and other drug use: The Office of Student Conduct and Outreach (SCO) and the University Police Department (UPD).

The SCO is responsible for adjudicating violations of the Student Code of Conduct, including violations of drug and alcohol policies. Students charged with violations of these policies participate in the disciplinary process as outlined in the Student Code of Conduct, and students found responsible for violating these policies are sanctioned accordingly.

The following chart highlights SFA policy violations as reported on the [Annual Campus Security and Fire Safety Report](#):

Violations	2020-2021	2021-2022
<b>Liquor violations referred for campus disciplinary action</b>	68	45
<b>Liquor violation arrests</b>	0	1
<b>Drug violation arrests</b>	0	2
<b>Drug violations referred for campus disciplinary action</b>	88	23

The following chart is the recorded alcohol and drug violations in which a finding of responsible was rendered through the Student Conduct Process.

Violations	2020-2021	2021-2022
<b>Alcohol Policy Violations</b>	45	37
<b>Drug Policy Violations</b>	73	26

Students who are found responsible for violations of the alcohol and drug policies as outlined in the Student Code of Conduct are assigned a variety of educational sanctions regarding their conduct. These sanctions are often used in combination with other sanctions (probation, reflection papers, follow-up meetings, , etc.). These sanctions offer a variety of approaches aimed at preventing future occurrence of problematic behaviors related to alcohol and drug policy violations.

The following chart showcases the types sanctions that have been assigned for drug and alcohol violations

Violations	2020-2021	2021-2022
<b>Admonition/Disciplinary Reprimand</b>	0	0
<b>Conduct/Disciplinary Probation</b>	0	0
<b>Educational Sanctions</b>	4	69
<b>Suspension</b>	3	0

### **Review of Goals from 2018-2020 Report**

Currently, SFA's drug and alcohol education programs are effective. Areas of strength include our educational efforts to new students, especially those who do not attend a formal orientation program. Departments could increase educational programming beyond the first year for students and those who transfer to SFA from other institutions. Additional assessment should be considered to determine the effectiveness of any new programs implemented. In addition, the Dean of Students Office could collect more comprehensive data on drug and alcohol programming from Residence Life.

### **Recommendations for the 2020-2022 Report**

The following recommendations should be considered for upcoming report from the committee:

- Residence Life will explore establishing a substance free (potentially recovery) living community.
- Student Engagement will develop additional late-night, alcohol-alternative programming options.
- Human Resources will increase communication on resources available to faculty and staff concerning alcohol and drugs.
- Committee will review findings and recommendations from the National College Health Assessment (administered in Fall 2022).
- Dean of Students Office should work to acquire funding for a full-time AOD position.
- Student Engagement will work with interested students to reinvigorate Driving Jacks.

### **Summary**

Stephen F. Austin State University uses a comprehensive approach to preventing illicit drug use and alcohol misuse on campus. A variety of strategic partnerships across different units on campus work collaboratively and effectively to ensure that students, faculty and staff live, study and work in a safe and healthy environment. The appointed review committee conducted an overview of alcohol and drug policies, programs and enforcement practices for academic years 2018-2020. As a result of this review, the committee has determined that SFA is in compliance with the Drug Free Schools and Campuses Regulations, has an effective and consistently enforced alcohol and drug policy and annually distributes these policies to students, faculty and staff.

## Appendix A

### Drug and Alcohol Testing

#### Purpose

This policy affirms the university's commitment to providing a safe, healthy, and productive learning and working environment by taking appropriate steps to maintain a drug-free and alcohol-free workplace.

#### Definitions

**Medical review officer (MRO)** refers to a licensed physician who is responsible for receiving laboratory results generated by the employer's drug testing program, evaluating, interpreting and verifying those drug testing results in conjunction with an employee's medical history, and determining whether a positive result was caused by the use of prohibited drugs or by an employee's medical condition.

#### General

The university must set an example to ensure the safety, health and welfare of its employees, students and the citizens which it serves, by taking the appropriate steps for maintaining a drug-free workplace as mandated by the state and federal governments. This policy supplements all other SFA policies regarding drug and alcohol use and related topics by establishing the guidelines for drug and alcohol testing. The drug and alcohol testing program is for the purpose of ensuring a healthy and safe workplace, and may not be used for the purpose of criminal prosecution.

Stephen F. Austin State University may require employees in safety sensitive positions to submit to drug and/or alcohol testing based upon reasonable suspicion, post-accident, or post-university referred drug and/or alcohol rehabilitation. University safety sensitive employees who are subject to Department of Transportation regulations in 49 C.F.R. parts 382 and 40 (primarily drivers with commercial driver's licenses) will additionally be subject to random drug and/or alcohol testing proscribed by federal law.

Reasonable suspicion can be established by any of the following:

1. Direct observation of drug or alcohol use or possession and/or demonstration of physical symptoms of the influence of a drug or alcohol as related to work activities,
2. A pattern of abnormal or erratic behavior, consistent with alcohol or drug abuse,
3. Arrest or conviction of a drug or alcohol related offense as the focus of a criminal investigation into illicit drug use, possession, or trafficking,
4. Information provided by reliable or credible sources,
5. Information, which is independently corroborated,
6. Evidence that an employee or student worker has tampered with a previous drug or alcohol test, or
7. Possession of drug paraphernalia.

Individuals having reasonable suspicion of an employee in a safety sensitive position, based on the above criteria, must contact the director of human resources and/or the director of environmental health, safety, and risk management. When feasible, the office of the general counsel will be contacted to confirm whether a given circumstance is sufficient to conduct a test.

Reporting personnel shall document the exact reasons why they suspect that a certain employee in a safety sensitive position has violated the drug and/or alcohol policy to include: the symptoms exhibited by the employee; the actions of the administrator, faculty, employee or student worker; if at all possible, corroborating statements from other administrators, faculty, employees or student workers; and other evidence which tends to establish a reasonable suspicion of illicit drug or unauthorized alcohol use.

Statements by the reporting personnel should document specific facts, not speculation, about an employee's behavior or appearance which would lead a reasonable person to the conclusion that the employee was using or in possession of illicit drugs or unauthorized alcohol. The emphasis should be placed on how the behavior of the employee is affecting his/her performance.

### **Post-accident**

Each employee in a safety sensitive position who is involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug/alcohol test. (A drug or alcohol test will also be requested if damage has occurred to university property as a direct result of the employee's behavior.)

As a condition of continued employment, any employee in a safety sensitive position who is participating in a substance abuse treatment program or who has a rehabilitation agreement with the university following an incident involving substance abuse may be required to submit to additional drug testing. This section shall not apply to employees in safety sensitive positions who have successfully completed a drug and or alcohol rehabilitation program prior to employment with the university.

Until the results of a test are received, an individual will automatically be removed from all safety sensitive functions, but may perform duties as assigned. Individuals may be suspended with pay pending investigation, if the continued participation of that individual presents a real and present danger to personal safety or property or threatens the health and safety of the individual or peers.

### **Prohibited Employee Conduct**

1. Engaging in the manufacture, distribution, possession, or use of prohibited substances on university property, in university vehicles, or while in the conduct of university business. (Alcohol possession or use may be permitted on university property as articulated by university policy.)
2. Reporting to work under the influence of alcohol or illegal drugs.
3. Testing positive for alcohol and controlled substances as a safety sensitive employee.
4. Refusing to submit to required testing as a safety sensitive employee.

5. Permitting a subordinate employee, in a safety sensitive position, to perform or continue to perform safety sensitive functions when the supervising employee has actual knowledge that a safety sensitive employee has engaged in conduct prohibited in paragraphs above.

### **Refusal to Submit Test**

An employee in a safety sensitive position who refuses to consent and submit to a test when requested under any of the circumstances provided for above will be subject to disciplinary action including termination.

Refusal to submit includes:

1. Failure to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
2. Failure to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, and/or
3. Engaging in conduct that clearly obstructs the testing process.

### **Positive Test**

An employee in a safety sensitive position with a positive test will be removed from performing his or her safety sensitive functions. Their supervisor and the director of human resources will meet with each employee who tests positive and inform the employee of the test result.

Based upon the information available after the meeting with the employee, the supervisor and the director of human resources shall determine whether:

1. To proceed to impose appropriate disciplinary action (keeping in mind any minimum penalties as may be required by federal or state law, if criminal penalties may have been pursued, and the nature of the infraction as related to the job functions of the individual) pursuant to university procedures for discipline and dismissal of employee; or
2. To offer the employee the opportunity to participate in and satisfactorily complete an appropriate employee assistance program or rehabilitation program for alcohol and/or drug abusers as a condition of continued employment solely at the employee's expense. An employee who is permitted and chooses to participate in such a program must be informed that the university will pursue appropriate disciplinary action if the employee does not satisfactorily complete the prescribed program.

### **Recurrence of Substance Abuse**

Upon the second occurrence of the necessity to potentially refer an employee to counseling or rehabilitation treatment, there will not be an option to refer the employee in a safety sensitive position for treatment and termination will be automatic.

### **Subsequent disciplinary actions**

When an employee has experienced work related problems as a result of alcohol or drug use and has been reinstated, subsequent disciplinary action will not be taken for the previous work related problems provided the problems cease after reinstatement.

### **Employees Subject to Drug and Alcohol Testing**

All employees in safety sensitive positions of Stephen F. Austin State University are to be included in the alcohol and/or drug testing program and will be subject to testing. Employees identified for testing purposes are expected to cooperate fully with designated clinic and/or laboratory personnel by making themselves available for testing, giving a valid sample and completing accurately all of the steps and necessary documents associated with the test.

Employees in safety sensitive positions at the university who are subject to this drug testing policy are defined as all employees whose job duties have a direct effect on the health, safety and welfare of employees, students and citizens, which the university serves including the following described duties:

- Drivers with commercial driver's licenses (CDL),
- Employees who are required to have a university certified driver's license in their job description,
- Persons who carry a firearm for security purposes,
- Employees who control dispatch of emergency services,
- Employees who repair or maintain university owned or leased vehicles,
- All maintenance personnel including but not limited to electricians, plumbers, carpenters, etc.,
- All employees who maintain the critical infrastructure of the university including but not limited to database administrators, systems administrators, programmer and systems analysts, network support specialists, etc.,
- Persons required to use dangerous equipment in the course and scope of their jobs including saws, drills, torches, tractors, mowers, and other motorized equipment,
- Employees using chemicals or other dangerous substances in the course and scope of their jobs,
- Medical professionals including licensed doctors, licensed nurses, certified athletic trainers.

### **Facilities for Testing**

Employees selected for testing procedures shall report to the designated independent facility, or may be escorted by an authorized supervisor. A specimen will be collected and tested by an independently approved laboratory using valid, reliable testing procedures as outlined under the

U.S. DOT regulations at 49 C.F.R. part 40. The services of an MRO will be retained for proper laboratory results interpretation.

### **Test Results**

Drug and alcohol screen test results will be reviewed by an independent MRO after receipt of the specimen by the laboratory. Employees who test positive for substances prohibited by this program shall be afforded an opportunity to consult with the MRO and to provide medical records or other biomedical information to assist the MRO in determining whether there is a legitimate medical

explanation for the test results, including use of a legally prescribed medication. Upon review of all confirmatory tests and other medical records, the MRO shall issue a confirmation report verifying test results. The MRO's confirmation report and the results therein shall be deemed conclusive.

If a post-accident drug screen produces a positive result due to a safety sensitive employee's lawful use of prescription medication which may impair judgement such as driving, handling equipment or making sound decisions, the employee will be removed from all safety sensitive work and, as soon as reasonably practical, discuss any limitations with the employee's supervisor. An employee may be required to provide a doctor's release to resume regular safety sensitive work duties.

The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's positive test result (as reported by the laboratory) together with his or her medical history and any other relevant biomedical information.

Any results below the minimum stipulated test levels for drug testing or under .02 for alcohol testing shall be considered a negative test result. Any employee with properly confirmed positive drug test results, or greater than .02 alcohol test as certified by the MRO, shall continue to be removed from any safety sensitive work and shall report to the supervisor upon request.

### **Records**

All information from an employee's drug and alcohol tests is confidential, unless otherwise required by law. Records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur.

### **Appeal and Retesting**

Employees may appeal positive test results by submitting a written request to the director of human resources within 24 hours after being informed of the positive test result. The appellant has the right to have a second test performed at a certified laboratory of his/her choice. The specimen transfer between the laboratories will follow standard protocol. An MRO shall interpret the alternate laboratory's test results, considering the nature of the result and time elapsed since the original test. All expenses for such retests will be the responsibility of the appellant.

### **Notice**

All new employees shall receive notice of this policy and be required to sign an acknowledgement of receipt. Failure to sign an acknowledgement of receipt shall not nullify the notice provided by the university. Existing employees will be notified of the policy and its revisions.



## Appendix B

### Student Code of Conduct

**Original Implementation:** January 19, 1988

**Last Revision:** July 26, 2022

### General Policy

Choosing to join the Stephen F. Austin (SFA) State University community obligates one to adhere to a code of behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of discrimination and harassment. In keeping with this obligation, students and student organizations are expected to comply with the standards outlined in the Student Code of Conduct.

### The SFA Way

The SFA community holds itself to a standard called The SFA Way. At its basis, The SFA Way encourages the entire university community to “strive for personal excellence in everything we do.” The SFA Way encourages students to follow the principles of Respect, Caring, Responsibility, Unity, and Integrity.

### Table of Contents

Article I: Definitions .....	25
Article II: Jurisdiction .....	27
Article III: Violations.....	27
Article IV: The Student Conduct Process .....	31
Article V: Sanctions .....	35
Article VI: Appeals .....	36
Article VII: Interim Measures.....	36
Article VIII: Records .....	36
Article IX: Non-discrimination, Interpretation, and Revision .....	37

### Article I: Definitions

1. The term “Advisor” means an individual serving as a guide for a Charged Student, Student Organization, or a Victim during the Student Conduct Process.

2. The term “Appeal” means the review by the designated Appeal Officer of the full record of the Student Conduct Process and the Sanctions imposed to determine the adequacy of the procedures used, determination of responsibility, and the fairness of the sanctioning.
3. The term “Appeal Officer” means a person or persons authorized by the Vice President of Student Affairs to consider an Appeal of an Outcome of the Student Conduct Process.
4. The term “Charged Student” means a Student who has been alleged to have violated one or more provisions within the Student Code of Conduct.
5. The term “Conduct Officer” means person authorized by the Vice President of Student Affairs to administer the Student Code of Conduct.
6. The term “Dean of Students” means the individual further designated by the Vice President of Student Affairs with responsibility for administering the Student Code of Conduct. For the purposes of this policy, “Dean of Students” may refer to that individual’s designee.
7. The term “Dean of Students Office” means the department designated by the Vice President of Student Affairs for administering the Student Code of Conduct. The Office of Student Conduct and Outreach is included within the Dean of Students Office.
8. The term “Email” means the University’s recognized medium for means of communicating with Student or Student Organizations per SFA Policy 15.1, Email for University Communication.
9. The term “Faculty” or “Faculty Member” means a person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
10. The term “Policy” means the written regulations of the University as found in, but not limited to, the University web page and online policy manuals.
11. The term “Reporting Party” means an individual who submits a report alleging a violation of this Student Code of Conduct. The Reporting Party and Victim may or may not be the same person.
12. The term “Student” includes all persons admitted to the University and are enrolled or are eligible to enroll at the University.
13. The term “Student Organization” means any number of Students who meet as a group, whether as a registered Student organization or as an unaffiliated Student organization, on campus or at a recognized University event. This may also include, but is not limited to, sports clubs, athletic teams, and other types of Student groups. The Student Organization’s executive officer will serve as the representative for the Student Organization during the Student Conduct Process unless the Student Organization designates in writing to the Dean of Students Office another Student member to represent the Student Organization during the Student Conduct Process.
14. The term “University” means Stephen F. Austin State University.
15. The term “University Premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
16. The term “University Official/Staff Member” includes a person employed by the University.
17. The term “Vice President of Student Affairs” is the person designated by the University President to be responsible for the administration of the Student Code of Conduct.
18. The term “Victim” is any individual who has alleged injury or harm by an SFA Student or Student Organization. Victims are entitled to varying levels of participation in the Student Conduct Process, depending on the nature of the allegations. As articulated in the Family

Educational Rights and Privacy Act (See 34 C.F.R. § 99.31 and 99.39) a victim who has been subject to Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, or Non-forcible sex offenses (incest or statutory rape) is entitled to be notified of their rights and of the outcome of the disciplinary process. All other victim rights articulated in this regulation apply to all victims.

## **Article II: Jurisdiction**

This Student Code of Conduct shall apply to conduct that occurs on University Premises, at University sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the University and off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a Student or Student Organization's conduct even if a Student withdraws from the University while a disciplinary matter is pending. The Vice President of Student Affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, at that individual's sole discretion. Student conduct that may be defined as sex-based misconduct may be reviewed under university policy 2.13 (Title IX).

## **Article III: Violations**

- 1.** Harm to others, including but not limited to:
  - a.** Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury.
  - b.** Endangering the physical health or safety of any person or actions that cause a reasonable apprehension of such harm.
  - c.** Harassment (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University. This provision shall not be used to discipline a Student or Student Organizations for speech protected by the First Amendment.
  - d.** Physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm.
  - e.** Acts of animal cruelty, including but not limited to:
    - i.** Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.
    - ii.** Failing to provide necessary food, water or care for an animal in the person's custody.
    - iii.** Abandoning an animal in the person's custody.
    - iv.** Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury.
  - f.** Sexual Harassment, Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking as

defined by SFA Policy 2.13, Title IX, and Other Sexual Harassment and Other Unprofessional/Inappropriate Conduct as defined by SFA Policy 2.11, Nondiscrimination.

- g.** Sexual Exploitation including but not limited to:
    - i.** Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party.
    - ii.** Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent.
    - iii.** Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent.
    - iv.** Sexual voyeurism.
    - v.** Inducing another to expose one's genitals or private areas.
    - vi.** Prostituting another Student.
    - vii.** Engaging in sexual activity while knowingly infected with an STD.
  - h.** Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.
- 2.** Hazing of any kind including but not limited to:
- a.** Any intentional, knowing, or reckless act occurring on or off campus by one person alone or acting with others, that endangers the mental or physical health or safety of a currently enrolled or prospective Student for the purpose of new member intake, being initiated into, affiliating with, holding office in, or maintaining membership in that organization.
  - b.** Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity.
  - c.** Any type of activity which involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other similar activity that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the Student.
  - d.** Any activity which involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health of the Student.
  - e.** Any activity that induces, causes, or requires the Student to perform a duty or task which involves a violation of the Penal Code.
  - f.** Any activity that involves coercing the Student to consume drugs or alcoholic beverage or liquor in any amount that would lead a reasonable person to believe the Student is intoxicated.
  - g.** Soliciting, encouraging, aiding or directing another engaging in hazing.
  - h.** Intentionally, recklessly or knowingly permitting hazing to occur.
  - i.** Having first-hand knowledge that a specific hazing incident is being planned or has occurred and failing to report said knowledge in writing to the Dean of Students, SFA Police, SFA Fraternity and Sorority Life or the Office of Student Conduct and Outreach.
  - j.** Any other violation of SFA Policy 10.3, Hazing.
- 3.** Dishonesty of any kind, including but not limited to:

- a. Providing false or misleading information to the University.
  - b. Providing false or misleading information to a University Official or Faculty.
  - c. Forgery, alteration, or misuse of any documents, records, identification, access cards, or keys.
  - d. Unauthorized possession, duplication or use of keys, access cards, or identification cards.
  - e. Any action taken to deceive University Officials or Faculty regarding one's identity.
4. Harm to Property including but not limited to:
- a. Vandalism of or damaging University property or property of another others.
  - b. Theft of any kind, including seizing, possessing, selling, or concealing property with knowledge that it has been stolen.
  - c. Unauthorized entry into, presence in, or use of University facilities, equipment, or property.
  - d. Any tampering, removal, and/or damage to fire and safety equipment on University property (e.g., residence halls, student center, campus recreation center and all academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers.
  - e. Using or possessing any University key or access card without proper authorization. No Student or Student Organization is allowed to have a University key duplicated without prior permission from faculty or staff with authority to provide that permission.
  - f. Obstruction of the free flow traffic on University premises or at University-sponsored or supervised activities.
  - g. Posting of commercial advertising on University property without approval from University Officials.
5. Disorderly Conduct including but not limited to:
- a. Disruption or Interference of Students, faculty, administration, staff, the educational mission, or routine operations of the University.
  - b. Commercial solicitation on campus or with University resources without prior approval from University officials.
  - c. Failure to comply with a reasonable and lawful request or directive of University Officials.
  - d. Facilitation of Student misconduct including but not limited to assisting, conspiring, soliciting, or encouraging others to engage in conduct which violates the Student Code of Conduct.
  - e. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and University policy.
  - f. Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. This may include but is not limited to the operation of a vehicle, bicycle, skateboard, scooter, and other mobile devices.
  - g. Failure to present proper identification upon request by University Officials or Faculty, including law enforcement officers.
6. Misuse of Computing Resources including but not limited to:
- a. Failure to comply with University policies, license agreements, or contracts.

- b. Unauthorized alteration or destruction of computer equipment, software, network, data or system performance.
  - c. Unauthorized copying or distribution of University data.
  - d. Use of University resources for unauthorized commercial purposes or personal gain.
  - e. Harmful access, or invasion of privacy.
  - f. Use of computing facilities and resources to interfere with the work of another Student, faculty member, staff member or University Official.
7. Obstruction of the Student Conduct process which includes but is not limited to:
- a. Colluding with or intimidating witnesses.
  - b. Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
  - c. Deliberately disrupting or interfering with the Student Conduct process.
  - d. Tampering with information to be used in a Student Conduct process.
  - e. Attempting to influence the impartiality of a Student Conduct Hearing Board member.
  - f. Violating and/or failing to comply with Sanctions assigned through the Student Conduct process.
  - g. Retaliation against any individual for filing a complaint or report of alleged violations of the Student Code of Conduct or otherwise participating in the student conduct process.
8. Prohibited possession or use of alcohol which includes but is not limited to:
- a. Possession or consumption of alcohol while under the age of 21.
  - b. Purchasing, providing, or distributing alcohol to any individual who is under the age of 21.
  - c. Possession and/or use of a common source (keg, beer bong, etc.) on University property or at a University sanctioned or sponsored event.
  - d. Possessing, furnishing, or consuming alcohol in unauthorized areas of the University.
  - e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol as defined by state law.
  - f. Participation in or hosting of drinking games which involve the consumption of alcoholic beverages on University property or at a University sanctioned or sponsored event.
9. Prohibited possession or use of drugs which includes but is not limited to:
- a. Possession or use of any controlled substance, controlled substance analogues, and/or drug paraphernalia prohibited by SFA Policies or of any federal, state, or local law or ordinance.
  - b. Abusing legally obtained drugs by failing to take the drug as directed.
  - c. Misuse of non-controlled substances not intended for human consumption (i.e. spice, bath salts, rubbing alcohol) or not in compliance with manufacturer specifications.
  - d. Sale or distribution of narcotics, prescription drugs, controlled substances, controlled substance analogues, or drug paraphernalia
10. Conduct which could constitute a violation SFA Policy or of any federal, state, or local law or ordinance including, but not limited to:
- a. The use or sale of all tobacco and vape products as defined and prohibited by SFA Policy 13.21, Smoking Vaping and Use of Tobacco Products.
  - b. Violations of SFA Policy 13.9, Firearms, Explosives, and Ammunition policy.

- c. Violations of Residence Life Community Guidelines.

#### **Article IV: The Student Conduct Process**

The following rules of procedure in student disciplinary matters are adopted to ensure that the University will fulfill the requirements of procedural Due Process in student conduct proceedings, outlined in the Student Code of Conduct. These rules of procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the President of the University to exercise jurisdiction over disciplinary matters of the University. Cases involving sex-based misconduct, including, but not limited to, sexual violence, domestic/dating violence, and/or stalking may be investigated according to SFA Policy 2.13 (Title IX).

The burden of proof in the Student Conduct process is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more likely than not.

##### **1. Determination of Charges**

- a. Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by anyone, including but not limited to, University Police or other University departments, faculty, staff, Students, or third parties. Reports may be sent anonymously; however, this may significantly limit the University's ability to investigate, collect evidence, or take effective action.
- b. The Dean of Students Office will review available information to determine if a Student or Student Organization will be charged with a violation of the Student Code of Conduct. The Dean of Students may gather additional information if deemed necessary to assist in their determination.
- c. The Dean of Students may choose to withdraw charges if, at any point in the Student Conduct Process, they are no longer deemed warranted.

##### **2. Educational Conference**

- a. Once a Student or Student Organization has been charged with an alleged violation of the Student Code of Conduct, the first step in the process is an Educational Conference. The Educational Conference is not a hearing. The purpose of the Educational Conference is for a Conduct Officer to review with the Charged Student or Student Organization, and any Victim, the allegations and charges, their rights, the Student conduct process, possible sanctions, and to answer questions. During the Educational Conference the Charged Student or Student Organization will be given the opportunity to accept responsibility for the charges and any assigned sanctions, if applicable.
  - i. If the Charged Student or Student Organization accepts responsibility for the charge(s) and any assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that individual's acceptance and their waiving of their right to a hearing and appeal. The Charged Student or Student Organization and any victim will then receive an email documenting their acceptance of

responsibility and assigned sanctions within five (5) business days from the Dean of Students Office.

- ii. If the Charged Student or Student Organization does not accept responsibility for the charge(s) or does not agree with the assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that decision and the case will be referred to a Student Conduct Hearing
- iii. If the Charged Student or Student Organization fails to attend an Educational Conference or complete the Educational Conference Form, the case will be referred to a Student Conduct Hearing

### 3. Student Conduct Hearing

Charged Students or Student Organizations who choose to not accept the outcome of the Educational Conference or do not participate in the Educational Conference, will be referred to a Student Conduct Hearing.

- a. **Hearing Notification:** The Dean of Students Office shall provide notice of the hearing to the Charged Student or Student Organization's SFA email. The notice will set forth the date, time, and place of the hearing; the charges assigned; and the rights of the Student or Student Organization. The Charged Student or Student Organization will be informed that an Advisor may be present during the hearing. The Student or Student Organization must notify the Dean of Students Office if an attorney will serve as an Advisor to allow a representative from the University's General Counsel's Office to attend. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. Failure to do so may result in the hearing being rescheduled. Any request to reschedule shall be made in writing to the Dean of Students Office, who has the authority to reschedule the hearing for good cause. Failure to attend the Student Conduct Hearing will lead to the case being heard in the Charged Student or Student Organization's absence. A Charged Student or Student Organization's lack of attendance shall not be used against the Charged Student or Student Organization in any determination of responsibility and/or sanctions.
- b. **Victim Hearing Notification:** In cases with a Victim, The Dean of Students Office shall provide notice of the hearing through email. The notice will set forth the date, time, and place of the hearing and the charges assigned. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. This notification will also advise the victim of his or her rights in the Student conduct process, including but not limited to, the right to submit a list of questions, the right to submit a victim impact statement, the right to request a copy of his or her record, the right to an Advisor, and the right to provide information in a separate room from the Charged Student or Student Organization.
- c. **Student Conduct Hearing Board:** The Dean of Students Office will choose at least 3 individuals, with at least 1 Faculty/Staff and 1 Student, who are available to serve on the Student Conduct Hearing Board. These Student Conduct Hearing Board members are comprised of those appointed to serve on the Student Conduct Hearing Board. Student Conduct Hearing Board Members are appointed to the Student Conduct Hearing Board by the Vice President of Student Affairs. All appointments are for one (1) academic year. Faculty, Staff, and Students may serve an unlimited number of terms.



- d. Pre-Hearing Information:** The Dean of Students Office will make available pre-hearing information including copies of records that will be presented by the University at the hearing, and a list of potential University witnesses, and a summary of the information the witness(es) may provide. The pre-hearing information will be available at least three business days in advance of the hearing. The Charged Student or Student Organization must provide the Dean of Students Office with a list of potential witnesses and copies of any records that they will present at the hearing at least two (2) business day in advance of the hearing. Evidence and/or witnesses that are not provided at least two (2) business day before the hearing will only be included in the hearing at the discretion of the Student Conduct Hearing Board Chair.
- e. Advisors:** An Advisor may accompany a Charged Student or Student Organization or a Victim in a Student Conduct Hearing. An Advisor may not directly participate in the Student Conduct Hearing in any capacity other than providing advice and support to the Charged Student or Student Organization or Victim they are accompanying. A Charged Student or Student Organization and a Victim may select anyone to serve as their Advisor as long as this individual is not a witness to or involved in the case. A Charged Student or Organization and a Victim may only have one Advisor present during a Student Conduct Hearing. If the chosen Advisor is an attorney, the Charged Student or Student Organization or Victim must inform the Dean of Students Office at least two (2) business days in advance of the Student Conduct Hearing to allow for a representative of the University General Counsel's Office to attend. Failure to do so may result in the hearing being rescheduled. For the purposes of this policy, an Advisor who is involved in any other part of the Student Conduct Process shall be held to these standards.
- f. Role of Hearing Board Chair:** A Faculty or Staff Student Conduct Hearing Board member, in attendance at the Student Conduct Hearing, will serve as the Hearing Board Chair. The Hearing Board Chair manages the Student Conduct Hearing Board and is responsible for the decorum of the hearing, and to ensure that all procedures are properly followed. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, obstructs, or fails to abide by the rulings of the chair. Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee, in which by majority vote shall be final. In case of a tie and a majority is unable to be reached, the vote of the Hearing Board Chair is the deciding vote. The chair may also seek guidance from the Dean of Students Office as needed.
- g. Order of Proceedings During the Student Conduct Hearing:** The Hearing Board Chair will facilitate the Student Conduct Hearing, determine the presence or absence of the Charged Student or Student Organization and/or Victim, verify the alleged misconduct, determine the presence of an Advisor, and explain any additional procedures to be employed during the hearing. The hearing will be recorded in either audio or video format.

The Charged Student or Student Organization will be given the opportunity to provide an opening statement. This is the opportunity for the Charged Student or Student Organization to state their case and present their evidence. After the Charged

Student or Student Organization provides their opening statement, the Student Conduct Hearing Board and any Victim will be given the opportunity to question the Charged Student or Student Organization.

The Dean of Students' and the Charged Student or Student Organization's witnesses, if any, will then be called to provide a statement, present any evidence they may possess, and answer questions posed by the Student Conduct Hearing Board and the Charged Student or Student Organization, and any Victims if applicable. The Dean of Students Office is unable to compel individuals to serve as a Witness. The Charged Student or Student Organization will be responsible for notifying their Witness(es) of the time, date, and location of the Student Conduct Hearing. Witnesses may participate in person, by telephone, or virtually if needed. Only one Witness will be allowed to participate in the Student Conduct Hearing at a time. The Hearing Board Chair may limit the number or disallow completely, character witnesses that have no direct knowledge of the alleged misconduct.

All questions asked by the Charged Student or Student Organizations, Victim, and any Witnesses must be directed to the Chair to determine if they are relevant and appropriate for the case.

After all Witnesses and evidence has been presented, the Charged Student or Student Organization may make a closing statement.

The Student Conduct Hearing Board will then convene in closed session to determine if the Charged Student or Student Organization is responsible or not responsible for the alleged violations of the Student Code of Conduct. If a finding of responsible is made for any of the alleged violations, The Student Conduct Hearing board will determine recommended sanctions. Determination and recommendation of Sanctions are outlined in the Sanctions section of this document (Article V).

The outcome of the Student Conduct Hearing will be sent to the Charged Student or Student Organization, and any victim, through email within five (5) business days following the close of the hearing. This time may be extended for deliberations when necessary and the Charged Student or Student Organization shall be notified of any such extensions. The outcome letter shall contain a decision on each charge, any findings of fact and any applicable sanctions. The Charged Student or Student Organization may appeal a finding of responsible within five (5) business days as outlined in the appeal section of these procedures.

Hearings are closed to the public and all information presented in the hearing is confidential and restricted to only those who have an absolute need to know. In cases involving multiple Charged Students or Student Organizations from the same incident, information obtained at one hearing may be used at another hearing.

## Article V: Sanctions

Charged Student or Student Organizations who accept responsibility or are found responsible for violations of the Student Code of Conduct, will be assigned sanctions based on the violation, any aggravating or mitigating circumstances, and prior violations of the Student Code of Conduct. The Conduct Officer/Student Conduct Hearing Board will recommend sanctions to the Dean of Students or designee, who will make a final determination of sanctions. Recommended sanctions may be adopted, modified, or rejected. When recommended sanctions are not adopted by the Dean of Students or designee, the Dean of Students or designee shall provide the Charged Student or Student Organization with the reasons for not adopting the recommendations in writing. One or more of the following sanctions may be assigned for violations of the Student Code of Conduct:

1. **Disciplinary Reprimand:** a written disciplinary sanction notifying a Student or Student Organization that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.
2. **Disciplinary Probation:** a written disciplinary sanction notifying a Student or Student Organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more severe sanctions. In addition, restrictions may be placed on a Student or Student Organization's activities.
3. **Educational Requirements:** a Student or Student Organization is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, written assignment, alcohol or drug assessment, and/or presentation. Fines may be associated with Educational Requirements due to the cost of the assigned assessment/program.
4. **Special Action:** A sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to restitution, community service, counseling suggestions, and restrictions or removal from academic courses, University housing, or extracurricular activities.
5. **Suspension:**
  - a. A Student who is suspended is required to leave the University for a specified period of time. The Student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police. While serving a suspension a Student is not in good standing.
  - b. A Student Organization that is suspended is required to cease all activity during the specified time period. During this time, they are not recognized by the University as outlined in SFA Policy 10.9, Student Organization Formation and Recognition. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended Student Organizations must submit a new application as an organization at the end of the suspension period.
  - c. In certain situations, the Suspension may be placed in a deferred status.
6. **Expulsion:** A Student who is expelled is permanently barred from attending the University and is ineligible for readmission to the University. The Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police.

## **Article VI: Appeals**

Charged Students or Student Organizations who are found responsible by a Student Conduct Hearing Board have the right to appeal based on certain criteria. Appeals must meet one or more of the following grounds:

1. The information contained within the case does not support the finding of responsible.
2. The assigned sanctions are not appropriate for the violation(s).
3. The Student or Student Organization's rights, as outlined by this policy, were violated.

The Charged Student or Student Organization must submit an appeal to the Vice President of Student Affairs within five (5) business days of the outcome letter being sent from the Dean of Students. This appeal must describe why they feel their case meets one of the appeal criteria listed.

The Vice President of Student Affairs or Designee may uphold the decision and/or sanctions, modify the decision and/or sanctions, or remand the case for a new hearing. Unless the appeal decision is to remand the case, the appeal decision is considered the final decision of the University. The Charged Student or Student Organization will receive the outcome of the appeal through email.

## **Article VII: Interim Measures**

The Dean of Students may assign Interim Measures to a Student or Student Organization if it is determined that the continued presence or actions of a Student or Student Organization poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal University functions. The Interim Measure will take effect immediately without prior notice to the Student or Student Organization. Interim Measures may include, but are not limited to, interim suspension, restrictions, removal from on-campus housing, or no contact directives. Interim Measures may be lifted by the Dean of Students when deemed appropriate.

In cases of interim suspension, restrictions, or removal from on-campus housing, unless waived in writing by the Student or Student Organization, the Student or Student Organization will have a post-removal hearing with the Dean of Students or designee regarding the Interim Measure. The scope of this hearing is limited solely to the determination of whether that Student or Student Organization's presence or continuation of activities adversely affects the health, safety or welfare of the University community. The Student or Student Organization will be provided with an explanation of the evidence on which the University based its decision concerning the Interim Measure and an opportunity to respond.

## **Article VIII: Records**

All hearings, and records pertaining to hearings, will be considered education records and treated as designated by law. Student or Student Organization conduct records are kept for seven years after the final outcome of the Student Conduct Process. Records for cases where a Student or Student Organization has been expelled or suspended are held permanently.

Disciplinary actions which result in suspension or expulsion from the University and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension or expulsion) along with the effective dates of the sanction.

There will be no disclosure of file contents outside of the University without the written permission of the Student, unless required or allowed by law. Disclosure within the University is limited to those employees having legitimate need of the information to conduct University business. A Student or Student Organization may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to law. All hearings are closed to the public.

### **Article IX: Non-discrimination, Interpretation, and Revision**

Decisions rendered according to this policy will be made based on observations of a Student's conduct, actions and statements and not on the basis of a student's race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any Student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to SFA Disability Services at least three business days in advance of the hearing. If necessary the Hearing Board Chair, or the Dean of Students or designee, may postpone the hearing to provide reasonable accommodations.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Vice President of Student Affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the Vice President of Student Affairs or designee.

**Cross Reference:** Tex. Educ. Code §§ 51.9315, .936, .9364; Fraud (2.7); Nondiscrimination (2.11); Title IX (2.13); Student Academic Dishonesty (4.1); Reproduction of Copyrighted Works by Educators and Librarians (9.2); Digital Millennium Copyright (9.3); Hazing (10.3); Student Organization Formation and Recognition (10.9); Student Involuntary Withdrawal (10.13); Annual Disclosure of Crime Statistics (13.3); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9); Acceptable Use of Information Technology Resources (14.2); Residence Life Community Guidelines

**Responsible for Implementation:** Vice President of Student Affairs

**Contact for Revision:** Assistant Vice President of Student Affairs and Dean of Students

**Forms:** None

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

## **Student Code of Conduct**

**Original Implementation:** January, 1998

**Last Revision:** July 21, 2020

Choosing to join the SFA community obligates one to adhere to a code of civilized behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of bigotry. In keeping with this obligation, students and student organizations are expected to conform to the standards outlined in the Student Code of Conduct.

Additionally, at SFA, the community holds itself to a standard called The SFA Way. At its basis, The SFA Way encourages the entire university community to “strive for personal excellence in everything we do.” While the Student Code of Conduct articulates the minimum expectations of those in the community, the university encourages students to “hold themselves and others accountable” to the higher standards of The SFA Way root principles: Respect, Caring, Responsibility, Unity, and Integrity.

This document is organized into the following sections:

Article I: Definitions

Article II: Proscribed

Conduct Article III:

Procedures

Article IV: Non-Discrimination, Interpretation and Revision

### **ARTICLE I: DEFINITIONS**

1. The term “university” means Stephen F. Austin State University.
2. The term “student” includes all persons enrolled at the university. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but have a continuing relationship with the university, or participate in university sponsored activities prior to enrollment, are considered “students;” as are persons who are living in university residence halls, although not enrolled.
3. The “vice president for university affairs” is the person designated by the university president to be responsible for the administration of the Student Code of Conduct.
4. The term “student conduct administrator” means a university official authorized by the vice president for university affairs or designee to impose sanctions upon any student found to

- have violated the Student Code of Conduct.
5. The term “student conduct authority” means any person or persons authorized by the vice president for university affairs or designee to determine whether a student has violated the Student Code of Conduct.
  6. The term “complainant” means an individual who is alleged to have been impacted by violation of this policy.
  7. The term “respondent” means a student accused of violating this Student Code of Conduct.
  8. The term “reporting party” means an individual who submits a report alleging a violation of this Student Code of Conduct. The reporting party and complainant may or may not be the same person. The term “responding party” means a student against whom an allegation of prohibited behavior is directed.
  9. The term “due process” means a respondent has or will be given notice of the accusation and an opportunity for a hearing. The term, “university-recognized medium” refers to means of communicating with students. In most cases, this will mean a student’s official SFA email address.
  10. The term “student conduct hearing” means a meeting between the student conduct authority and a respondent to determine, through a sharing of information, whether a student has violated the Student Code of Conduct.
  11. The term “administrative hearing” means a hearing with a student conduct authority to determine whether a student has violated the Student Code of Conduct.
  12. The term “advisor” means an individual accompanying a respondent or a complainant in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice and support to the student they are accompanying. A student may select anyone to serve as their advisor but may only have one advisor present during the course of a hearing (informal or formal). If the chosen advisor is an attorney, the student must inform the student conduct administrator in advance to allow for the university's attorney to also be present.
  13. The term “outcome” means the end result after a hearing (informal or formal).
  14. The term “appeal” means the review by the designated appellate authority of the full record of a disciplinary hearing and the sanction imposed by a student conduct administrator or hearing board to determine the adequacy of the procedures used and the fairness of the sanctioning. The appeal may or may not include a meeting with the respondent and/or complainant.
  15. The term “appellate authority” means a person or persons authorized by the vice president for university affairs or designee to consider an appeal regarding a student conduct authority’s outcome as to whether a student has violated the Student Code of Conduct.
  16. The term “faculty member” means a person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
  17. The term “university official” includes a person employed by the university while in the act of performing assigned responsibilities.
  18. The term “member of the university community” includes any person who is a student, faculty member, or other person employed by the university. A person’s status in a particular situation shall be determined by the student conduct administrator.

19. The term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).
20. The term “organization” means any number of students who meet as a group, whether as a registered student organization or as an unaffiliated student organization, on campus or at a recognized university event.
21. The term “policy” means the written regulations of the university as found in, but not limited to, the university web page and online policy manuals.
22. The term “shall” is used in the imperative sense.
23. The term “may” is used in the permissive sense.

## **ARTICLE II: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the Student Code of Conduct**

This Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the university and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a student’s conduct even if a student withdraws from school while a disciplinary matter is pending. The vice president for university affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, at their sole discretion. Student conduct that may be the result of psychological issues may be reviewed under policy 10.13 (Students Displaying Serious Psychological Problems). Student conduct that may be defined as sex-based misconduct may be reviewed under university policy 2.13 (Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct).

### **B. Conduct—Rules and Regulations**

Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

1. **Dishonesty** - Acts of dishonesty, including but not limited to, the following:
  - a. Cheating or plagiarism as defined in university policy 4.1 (Student Academic Dishonesty), or other forms of academic dishonesty or breach of integrity such as but not limited to the distribution or selling of lecture notes, handouts, readers or other instructor-provided materials without permission.
  - b. Furnishing false information to any university official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
  - d. Fraud as defined in university policy 2.7 (Fraud).
2. **Alcohol** - Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university policies 13.7, Alcohol Service, and 13.11, Illicit Drugs and Alcohol Abuse), is prohibited on university premises and



university- sponsored events. Students are expected to comply with all state and local laws, as well as all Residence Life regulations regarding the presence of alcohol in the residence halls (see also, Residence Life Community Guidelines) including, but not limited to:

- a. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
  - b. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.
  - c. Being found in a state of public intoxication or drunkenness is prohibited.
  - d. Possession of common containers (e.g. kegs, trash cans, etc.) on campus is prohibited.
  - e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol is prohibited.
  - f. Violating any provision of the Code of Student Conduct while under the influence of alcohol is prohibited.
3. **Illegal Drugs** - The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. Abusing legally obtained drugs by failing to take the drug as directed. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled substances, drug paraphernalia or dangerous drug is also prohibited. (See also, policy 13.11, Illicit Drugs and Alcohol Abuse)
4. **Harassment** - Any conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the university. This provision shall not be used to discipline students for speech protected by the First Amendment.
5. **Harm to Person** - Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury is prohibited.
6. **Disruptive Behavior** - Interference or disruption of students, faculty, administration, staff, the educational mission, or routine operations of the university is prohibited. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program. To remain in the vicinity of activity that is disrupting normal university functions when requested to leave by a university official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy as well. Engaging in physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm.
7. **Animal Cruelty** - Prohibited conduct includes:
- a. Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.
  - b. Failing to provide necessary food, water or care for an animal in the

- person's custody.
  - c. Abandoning an animal in the person's custody.
  - d. Transporting or confining an animal in a manner that may cause seriously bodily injury to any animal without the owner's consent.
  - e. Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury is prohibited.
- 8. **Damage to Property** - Intentionally, knowingly, or recklessly causing damage to property or actions that may cause such damage is prohibited. Examples include removal of window restrictors or security screens; dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies, or roofs; and/or unauthorized application of graffiti to property.
- 9. **Damage to Fire Safety Equipment** - Any tampering, removal, and/or damage to fire and safety equipment on university property (e.g., residence halls, student center, campus recreation center and all academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. (See also, Texas Penal Code Section 42.06)
- 10. **Complicity** – being present during the planning or commission of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that misconduct is prohibited.
- 11. **Guest Responsibility** - Students are accountable for violations their guests may commit while visiting them or the university community.
- 12. **Abuse of the Student Conduct Process** - Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to:
  - a. Failing to participate in a hearing or investigation.
  - b. Colluding with or intimidating witnesses.
  - c. Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
- 13. **Failure to Comply** - Students and student organizations are expected to comply with reasonable and lawful requests of university officials in the performance of their duties. University officials include, but are not limited to, faculty, staff, and university police officers. Students are expected to appear at conduct hearings to respond to allegations or testify as a witness upon reasonable notice. A failure to comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may constitute failure to comply.
- 14. **Misuse of Computing Resources** - Failure to comply with university regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access, or invasion of privacy are prohibited. Misuse and/or other abuse of computer facilities and resources are also prohibited (See also, policy 9.3, Digital Millennium Copyright and policy 9.2, Reproduction of Copyrighted Works by Educators and Librarians).
- 15. **Misuse of Keys/Access Cards** - No person may use or possess any university key or access card without proper authorization. No student is allowed to have a university

key duplicated without prior permission from faculty or staff with authority to provide that permission.

16. **Retaliation** - Retaliation against any individual for filing a complaint or alleging misconduct.
17. **Theft** - Theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
18. **Gambling** - Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and university policy.
19. **Unauthorized Entry or Use** - Unauthorized entry into, presence in, or use of university facilities equipment or property is prohibited.
20. **Traffic Obstruction** - Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised activities.
21. **Reckless Operation** - Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. Driving includes, but is not limited to, vehicles, bicycles, skateboards, scooters, and other mobile devices.
22. **Weapons** - No illegal weapons are allowed on the premise or at university-sponsored events. (see also, policy 13.9 Firearms, Explosives and Ammunition)
23. **Sex-Based Misconduct** - Due to the intersectionality of misconduct between potential violations of policy 10.4, Student Code of Conduct and the Sex- and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy 2.13, all incidents that allege sex-based discrimination must first undergo assessment, and potential investigation, by the university's Title IX office. If the potential violation is determined not to rise to the level of a policy 2.13 violation, or when deemed appropriate, information may be sent to investigation or sanctioning under policy 10.4, Student Code of Conduct. Misconduct under policy 2.13 includes, but is not limited to: program inequity, domestic/dating violence, sexual assault, stalking, and sexual harassment.
24. **Violation of University Policies** - Violation of any official university policy, rule, or regulation is prohibited. Such rules include, but are not limited to, Residence Life Community Guidelines, Athletics Student Athlete Handbook, Campus Recreation Center Policies and Procedures, Greek Life policies and procedures, and university Parking Services Regulations.
25. **Off-Campus** - The university reserves the right to investigate and adjudicate violations that may occur off university premises. The university may take action in situations occurring off university premises involving:
  - a. Student misconduct demonstrating flagrant disregard for any person or persons.
  - b. When a student or student organization behavior is judged to threaten the health, safety, and/or property of any individual or group.
  - c. Any other activity which adversely affects the university community and/or the pursuit of its objectives. This action may be taken for either affiliated or non-affiliated activities.
26. **Violation of Law** - Violation(s) of any federal, state, or local law including, but not limited to:
  - a. Arson
  - b. Robbery

- c. Burglary, and
- d. Trespassing

### **C. Violation of Law and University Discipline**

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the vice president for university affairs or designee.

Findings and sanctions imposed under the Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## **ARTICLE III: PROCEDURES**

**A. Introduction:** The following rules of procedure in student disciplinary matters are adopted to ensure that the university will fulfill the requirements of procedural due process in student disciplinary proceedings, outlined in the Student Code of Conduct (10.4) and Residence Life Community Guidelines, both of which are updated annually. Disciplinary procedures within the university shall be definite and determinable as outlined in the Student Code of Conduct (10.4) and the Residence Life Community Guidelines.

These rules of procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the president of the university to exercise jurisdiction over disciplinary matters of the university. Cases involving sex-based misconduct, including, but not limited to, sexual violence, domestic/dating violence, and/or stalking may be investigated according to university policy 2.13 (Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct).

### **B. Overview of the Process**

When a complaint is received, the respondent will be contacted through a university-recognized medium. The student will be provided with a notice to appear for an administrative hearing (informal or formal) with the student conduct authority. Once a decision has been rendered, if the student desires, they may appeal the decision rendered to the dean of student affairs or designee. The decision of the dean of student affairs or designee shall be final.

### **C. Filing the Complaint**

Any member of the university community may file a complaint against a student alleging a violation of the Student Code of Conduct. Complaints may be submitted to the Office of Student Rights and Responsibilities. Anonymous complaints may be made, however, electing to remain anonymous may significantly limit the university's ability to investigate, collect evidence, or take effective action.

#### **D. Filing a False or Frivolous Complaint**

Knowingly filing a false or frivolous complaint to intentionally mislead a university official is expressly forbidden. A frivolous complaint is one that is made in retribution for another student filing a complaint and can be demonstrated as lacking merit. Violators may face charges up to suspension or expulsion. The university is the sole party who may file charges of a false or frivolous complaint.

#### **E. Notice of Allegations**

Upon receiving a report of an alleged violation of the Student Code of Conduct, the student conduct administrator will review the report and, if needed, conduct an initial investigation. If there is sufficient evidence to indicate that a violation may have occurred, a notice of allegations will be sent to the respondent, including the alleged incident date and instructions to appear in person at a designated location within five (5) business days to begin the student conduct process. The official means of contacting the student will be through university email. Failure to respond may lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed. Appeals to student conduct findings or sanctions heard in absentia must be filed within five (5) business days of the student conduct authority or hearing board's outcome.

When an incident has or can be reasonably determined to disrupt the university environment, or occurs at the beginning or end of a semester, the student may be contacted to begin the process immediately. In addition to notices by email, attempts may be made to contact the student by phone or in-person contact by a university employee. This expedited contact is intended to preserve the university living/learning environment and can offer a student found responsible of an infraction options that may be time-limited or time-based, such as withdrawing prior to financial penalties or beginning a suspension period in a timely manner. Failure by a student to have current contact information on file will not invalidate the notices.

#### **F. Immediate Response**

The university reserves the right to take action as may be reasonably appropriate, upon receipt of a complaint, to protect the complainant or university community pending the final outcome of these procedures. Some actions may include, but not limited to, housing reassignments, class schedule changes, restrictions from entering certain buildings and/or participation in certain events. These actions will be handled on a case-by-case basis.

#### **G. Investigation**

The student conduct administrator or designee, will begin an investigation of the case as an impartial party, not as a representative of the complainant. The investigator may interview the reporting party and any other persons who may have pertinent factual information about the case. The investigator will meet with the respondent and provide the student access to the written complaint. The respondent may choose to respond verbally or in writing within a specified time. If the respondent accepts responsibility for the allegations, the case shall be resolved through an administrative hearing or other remediation as deemed appropriate.

## **H. Burden of Proof**

The burden of proof is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more probable than not. The rules of evidence do not apply in any hearing nor are the proceedings to be conducted as judicial trials, however, care shall be taken to comply with the intent of the procedural safeguards provided by these guidelines.

## **I. Administrative Hearing (Informal)**

Administrative hearings are conducted with a single-member student conduct authority who will review the initial report, meet with the respondent, render a decision, and determine sanctions as deemed appropriate. The ability to present witnesses may be limited in this format. If the student conduct authority is unable to render a decision, or if the details of the case make a formal hearing more suitable, the case may be referred to the hearing board. Otherwise, a student must request an appeal to the dean of student affairs or designee within five (5) business days or the outcome becomes final.

## **J. Hearing Board (Formal)**

A multi-member board composed of three university members (two faculty/staff and one student) who will serve as the student conduct authority upon request to adjudicate alleged violations. The faculty/staff members will be selected from a pool of appointees from the vice president for university affairs or designee. The student will be a representative of the general student population with input from the student government association president. The respondent will be advised of the board members and have one business day to challenge a board member's participation based on known facts that would impact impartiality or conflict of interest.

## **K. Notice of Hearing**

The student conduct administrator will provide notice of the hearing transmitted through a university-recognized medium. The notice will set forth the date, time, and place of the hearing. The respondent will be informed that an advisor may be present during the hearing. The student must notify the student conduct administrator if an attorney will serve as an advisor to allow the university's attorney to also be present. Failure by the respondent to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall be given at least five (5) business days prior to the hearing, unless a shorter or longer time is granted for good cause. Any request for continuance shall be made in writing to the student conduct administrator, who has the authority to reschedule the hearing if it is determined the request is timely and for good cause.

Failure to appear will lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed.

## **L. Role of Chair During Formal Hearing**

The chair manages the hearing board and ensures it is conducted in a manner consistent with truth and justice. Each person in attendance is expected to exhibit proper dignity, courtesy, and

respect. The chair may dismiss any person from the hearing who interferes, obstructs, or fails to abide by the rulings of the chair. Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee, in which by majority vote shall be final. The chair may also seek guidance from general counsel prior to or during the hearing on procedural issues.

#### **M. Role of Student Conduct Administrator During Formal Hearing**

In serving both the hearing board and the respondent, the role of the student conduct administrator is impartial and supportive in nature and there is no involvement in the final deliberations of the board. The student conduct administrator shall provide a summary of the case and may also be called to testify about outcomes of previous cases.

#### **N. Order of Proceedings During Formal Hearing**

The hearing board chair will preside at the hearing, determine the presence or absence of the respondent, verify the alleged misconduct, determine the presence of an advisor, and explain any additional procedures to be employed during the hearing. The hearing will be recorded in either voice or video format. The student conduct administrator will begin the process by presenting a general overview of the case, the types of evidence to be used, and the findings of any investigation prior to the hearing. However, the student conduct administrator is not a part of the hearing board and serves to provide the board and the respondent with assistance in obtaining the information necessary until the hearing has been concluded.

The respondent may choose to make opening remarks after the student conduct administrator gives the overview or wait until the conduct in question is presented. The respondent's advisor may advise the respondent, but may not participate in the hearing, for example by questioning witnesses or addressing the board. The hearing board and the respondent may call and cross-examine witnesses and present evidence. The respondent may, but is not required to, testify. Any person testifying, including the respondent, shall be subject to cross-examination.

The respondent will be afforded an opportunity to obtain necessary witnesses and/or provide additional evidence. The student conduct administrator cannot compel other students to appear at a hearing but may assist students being called as witnesses with class absence notifications when necessary. The student conduct administrator will make available any necessary documents and evidence within the university's control, to the extent allowed by law. Depending on the nature of the evidence, it may be made available to the respondent but not released.

The hearing is meant to be an exchange of information and a presentation of facts by witnesses having direct knowledge of the alleged infraction. The hearing board chair may limit the number or disallow completely, character witnesses that have no knowledge of the alleged incident. Witnesses are called beginning with who the board request. Following, the respondent may call witnesses or present additional evidence relevant to the conduct in question.

After all witnesses and evidence has been presented, the respondent may make a closing

statement. The chair may then call on the student conduct administrator for a range of sanctions for the alleged infraction. At this time, the student conduct administrator, respondent, and advisor is excused and the recording stopped for deliberations. The hearing board analyzes all information provided, determines the facts of the case, and renders a finding and/or appropriate sanction, if necessary. The outcome shall be delivered to the student conduct administrator within 3 business days where an outcome letter will be prepared. The respondent may appeal the decision within five (5) business days as outlined in the appeal section of these procedures.

Hearings are closed to the public and all information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

### **O. Appeal Procedures**

Students have one level of appeal for every student conduct case. The final appellate authority shall be the vice president for university affairs or designee. There shall be two grounds for appeal, the finding of responsibility or the sanction received.

#### *Appeal of the Findings of Responsibility*

The respondent may appeal the finding of responsibility to the dean of student affairs or designee. The student must submit a signed and dated written appeal to the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered.

#### *Appeal of the Sanction*

The respondent may accept the finding of responsibility but appeal the sanction to the vice president for university affairs or designee. The signed and dated written appeal must be submitted to the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered.

### **P. Confidentiality and Records**

All hearings and records (written, electronic, audio or video recording, etc.) pertaining to hearings will be considered education records and treated as designated by law. Student conduct records are kept for two years beyond a student's final enrollment at the university. Records for cases when a student has been expelled are held permanently.

Disciplinary actions which result in extended separation from the university and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension, expulsion, or debarment) along with the effective dates of the sanction. A student must request in writing that the notation be removed upon completion of the sanction. Written requests must include the student's name and identification number, and must be submitted to the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities will verify a student's eligibility for the transcript notation to be



removed and will notify the Registrar's Office for removal.

There will be no disclosure of file contents outside of the university without the written permission of the student, unless required or allowed by law. Disclosure within the university is limited to those employees having legitimate need of the information to conduct university business. Incident reports are not released to protect the privacy rights of all involved parties. A student may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to law. All hearings are closed to the public.

### **Q. Rights of Students in Disciplinary Proceedings**

The rights outlined below will be accorded to any student for an alleged violation of the student code of conduct. Both the respondent and complainant shall have the same rights unless additional rights are provided to either party according to law.

- a. to be present at the hearing;
- b. to meet with the student conduct administrator to discuss the disciplinary process;
- c. to submit a written account of the alleged incident;
- d. to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling (a continuance) for good cause;
- e. to be present at the hearing and to be accompanied by an advisor of the student's choosing during the hearing process, although the advisor will not be permitted to speak for the student during the hearing;
- f. to testify at the hearing;
- g. to decline to testify, with knowledge that all relevant evidence will be considered and the alleged violation adjudicated;
- h. to hear or examine evidence presented against the respondent;
- i. to have and cross-examine witnesses, as specified in this policy;
- j. to make any statement in mitigation or explanation of the conduct in question;
- k. to be informed in writing of the finding and any sanction imposed to the extent allowed by law;
- l. to appeal the finding and/or sanction to the proper authority;
- m. to waive rights to a hearing as outlined in these procedures.

### **R. Sanctions**

**Admonition:** is a written warning.

**Conduct Probation:** is for a specified period of time and a second offense may result in disciplinary probation or suspension.

**Disciplinary Probation:** is for a specified period of time and may carry other conditions to be met (e.g., restriction of participation in extracurricular activities, holding student office, or joining campus organizations).

**Special Action:** is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to, the requirement of a special program (the cost of this program will be paid by the student), restitution, community service, counseling referrals, and restrictions or removal from academic courses, university housing, or extracurricular activities.

**Suspension of an Individual:** is a bar from attending the university for a specific period of time and begins at the date and time specified by the student conduct authority considering the case. A suspension also carries with it the following conditions:

- a. Student must remain off the campus during the period of suspension, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- b. Student may not live or board in university facilities.

**Suspension of a Student Organization:** is a bar from university recognition for a specified period of time as outlined in university policy 10.9 (Student Organization Formation and Recognition).

Student organizations are required to cease all activity during the specified period. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended student organizations must submit a new application as an organization at the end of the suspension period.

**Expulsion:** is a permanent bar from attending the university whereby a student is not eligible for readmission to the university and begins at the date and time specified by the student conduct authority considering the case. An expelled student's status will carry the following conditions:

Student must remain off campus, except when summoned by a university official or when an appointment with an official has been arranged in advance.

- a. Student may not live or board in university facilities.

**Debarment:** is equivalent to suspension from the university applied to persons not currently registered at the time the sanction is imposed.

**Interim Suspension:** The student conduct authority may, with the approval of the vice president for university affairs or designee, suspend a student for an interim period pending disciplinary proceedings when there is evidence that the continued presence of a student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions. The interim suspension may take effect immediately without prior notice to the student. However, the student conduct authority shall provide notice to the student at a feasible time.

The student conduct authority shall inform the student of their right to a hearing to be held within five (5) business days from the effective date of the interim suspension. If the student desires, a preliminary hearing shall be held on the following issues only:

- A. the reliability of the information concerning the student's conduct, including the matter of his/her identity;
- B. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions.

If the student conduct authority finds that the alleged violation is unreliable or that the respondent has been misidentified, the case may be dismissed. If the student conduct authority finds that allowing the respondent to remain on campus poses no threat or disruption, the student may be allowed to remain on campus pending the completion of the hearing.

**S. Status during Appeal**

In cases of suspension or expulsion when an appeal is filed, a student may request the Office of the Dean of Student Affairs in writing for permission to continue to reside on campus and/or attend classes pending the ruling of the appeal. The student conduct authority may permit this request, given that such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

**ARTICLE IV: NON-DISCRIMINATION, INTERPRETATION AND REVISION**

Decisions rendered according to this policy will be made based on observations of a student's conduct, actions and statements and not on the basis of a student's race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the vice president for university affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the vice president for university affairs or designee.

**Cross Reference:** Tex. Educ. Code §§ 51.9315, .9364; Fraud (2.7); Discrimination Complaints (2.11); Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct (2.13); Student Academic Dishonesty (4.1); Reproduction of Copyrighted Works by Educators and Librarians (9.2); Digital Millennium Copyright (9.3); Hazing (10.3); Student Organization Formation and Recognition (10.9); Students Displaying Serious Psychological Problems (10.13); Annual Disclosure of Crime Statistics (13.3); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9); Acceptable Use of Information Resources (14.2); Residence Life Community Guidelines

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** None

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

## Appendix C

### Illicit Drugs and Alcohol Abuse

**Original Implementation:** September 1, 1986

**Last Revision:** October 28, 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 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. Alcoholic beverages are permitted in the areas of university owned facilities that are designated as the private residence of full-time live-in employees of legal age. 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) 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 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, nosebleeds, 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.

**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. Analogous 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 Kronik. 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 included in the group of NPS. Common effects of synthetic cathinones include 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 dean of research and graduate studies. On behalf of the university, the dean of research and graduate studies



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. Services include assistance in abstaining from the use of chemical substances, early intervention when chemical abuse is detected, and referral to community resources for inpatient/outpatient services not available on campus. Medical counseling and printed information on chemical dependency are available through 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 programming 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 programming 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 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.

#### **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.

### **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. 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:** Director of Human Resources, Dean of Student Affairs

**Forms:** None

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

## **Appendix D**

### **Athletics Drug and Alcohol Policy**

#### **Intercollegiate Athletics Drug Testing Program**

Substance use and abuse in sport can pose risks to the student-athlete's health and negatively affect his or her academic and athletic performance. It can also compromise the integrity of athletic competition and the ideals of SFA. The Athletic Department believes that random drug testing and testing based on reasonable suspicion are appropriate to ensure the health, safety, and welfare of our student-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations on drug and alcohol abuse, to identify student-athletes who are improperly using drugs or alcohol, and to assist them before they harm themselves or others. Furthermore, the Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing and professional guidance.

#### **Drug Policy-**

At the beginning of the academic year, a presentation will be made to all intercollegiate athletic teams to outline and review the department's year-round and summer drug testing drug policy. A copy of this policy will be provided to each student-athlete. Each student-athlete will thereafter be asked to (1) sign a form acknowledging receipt of a copy of this policy; (2) execute voluntary consent to the urinalysis testing required by the program; and (3) sign a statement authorizing the release of test results to a limited group of individuals. Student-athletes and their parents/legal guardians are encouraged to ask questions or make suggestions at any time regarding this program. All student-athletes may be tested by the NCAA at any time during the year and especially during championship competition.

A student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance on the list of banned drug classes shall be declared ineligible for further participation in postseason and regular-season competition during the time period ending one calendar year after the collection of the student-athlete's positive drug-test specimen. The student-athlete will also be charged with the loss of a minimum of the equivalent of one full season of competition in all sports. (see 31.2.3 in the NCAA Manual). The SFA Athletics Department is committed to the success of this program and expects student-athletes to be equally committed.

#### **Drug Screening Program**

Throughout the calendar year, student-athletes will be subjected to random drug screening. The student-athlete may or may not be given advance notice of the drug test. To ensure fairness and efficiency of the testing program, testing notification will come from the Director of Sports Medicine. Tests will be administered on a random or reasonable suspicion basis and may or may not be announced in advance. Tests may be administered at any time throughout the year. The number, timing and other procedures for testing shall be determined by the Director of Sports

Medicine. Under the random testing program, individual student-athletes will be randomly chosen for screening by the contracted testing lab from a roster provided by the Sports Medicine staff. Failure to report for testing following notification will result in a positive test. The drug testing shall consist of collecting a urine sample from the student-athlete under the supervision of a laboratory technician from an accredited lab under contract with SFA. Each urine sample shall be analyzed using such tests as the Athletics Department may deem appropriate for the presence of screened drugs. The testing agency shall report all test results to the Director of Sports Medicine. For purposes of this program, a positive result shall mean a test result which indicates, in the opinion of the outside agency performing such testing, the presence of one or more of the drugs on the NCAA's banned list. Appropriate precautions will be taken to assure and maintain the accuracy and confidentiality of the test results, including the maintenance of a documented chain of specimen custody to ensure the proper identification and integrity of the sample throughout the collection and testing process. The Committee on Competitive Safeguards and Medical Aspects of Sports has the authority to identify specific banned drugs and exceptions within each class. SFA student-athletes shall be held accountable for all drugs within the banned-drug classes regardless of whether they have been specifically identified. The current list of specific banned drugs and exceptions is located on the NCAA Web site ([ncaa.org](http://ncaa.org)) or may be obtained from the NCAA national office.

### Alcohol Policy

The SFA Athletic Department does not condone the illegal or otherwise irresponsible use of alcohol. It is the responsibility of every member of the university community to know the risks associated with alcohol use and abuse. This responsibility obligates student-athletes to know relevant university policies and federal, state, and local laws and to conduct themselves in accordance with these laws and policies. This policy extends to the recruitment of prospective SFA student-athletes. Prospective student-athletes visiting campus and socializing with current students are expected to participate in all activities without the influence of alcohol. It should be understood that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of Texas state liquor laws. Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21. The Athletic Department will issue a positive drug test result to any student-athlete upon conviction or plea of guilty to the following, or its equivalent:

- Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs
- Public intoxication
- Drunk and disorderly

Other violations of law or university policy involving alcohol or drugs, including possession, will be reviewed by the Director of Athletics and may be grounds for a positive test result or suspension. Additional information from the Athletics Manual may be found in Appendix D.

### **Alcohol Policy**

The SFA Athletic Department does not condone the illegal or otherwise irresponsible use of alcohol. It is the responsibility of every member of the university community to know the risks

associated with alcohol use and abuse. This responsibility obligates student-athletes to know relevant university policies and federal, state, and local laws and to conduct themselves in accordance with these laws and policies. This policy extends to the recruitment of prospective SFA student-athletes. Prospective student-athletes visiting campus and socializing with current students are expected to participate in all activities without the influence of alcohol. It should be understood that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of Texas state liquor laws. Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21. The Athletic Department will issue a positive drug test result to any student-athlete upon conviction or plea of guilty to the following, or its equivalent:

- Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs
- Public intoxication
- Drunk and disorderly

Other violations of law or university policy involving alcohol or drugs, including possession, will be reviewed by the Director of Athletics and may be grounds for a positive test result or suspension.

### **Student Athletes:**

Stephen F. Austin State University is concerned with the health, safety and welfare of the student-athletes who participate in its intercollegiate athletic programs. The use of illegal drugs, misuse of legal drugs and over-the-counter dietary supplements, use of performance-enhancing substances, use of alcohol and inappropriate use of tobacco are completely inconsistent with the standards expected of student-athletes. Substance use and abuse in sport can pose risks to the student-athlete's health and negatively affect his or her academic and athletic performance. It can also compromise the integrity of athletic competition and the ideals of SFA.

### **Purpose**

The Athletic Department believes that random drug testing and testing based on reasonable suspicion are appropriate to ensure the health, safety and welfare of our student-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations on drug and alcohol abuse, to identify student-athletes who are improperly using drugs or alcohol and to assist them before they harm themselves or others. Further-more, the Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing, and professional guidance.

- Education – providing student-athletes and athletics staff with accurate information about the problems associated with substance use in sport, promoting health and safety in sport;
- Testing – analyzing biological specimens to detect prohibited substances student-athletes may introduce to their bodies and punitive consequences resulting from use; and



- Professional Referral – facilitating appropriate treatment and rehabilitation of student-athletes.

### **Implementation of Program**

At the beginning of the academic year, a presentation will be made to all intercollegiate athletic teams to outline and review the department's year-round and summer drug testing drug policy. A copy of this policy will be provided to each student-athlete. Each student-athlete will thereafter be asked to (1) sign a form acknowledging receipt of a copy of this policy; (2) execute voluntary consent to the urinalysis testing required by the program; and (3) sign a statement authorizing the release of test results to a limited group of individuals. Student-athletes and their parents/legal guardians are encouraged to ask questions or make suggestions at any time regarding this program. The SFA Athletics Department is committed to the success of this program and expects student-athletes to be equally committed.

### **Frequency of Testing**

To ensure fairness and efficiency of the testing program, testing notification will come from the Director of Sports Medicine. Tests will be administered on a random or reasonable suspicion basis and may, or may not, be announced in advance. Tests may be administered at any time throughout the year. The number, timing and other procedures for testing shall be determined by the Director of Sports Medicine. Under the random testing program, individual student-athletes will be randomly chosen for screening by the contracted testing lab from a roster provided by the Sports Medicine staff. Failure to report for testing following notification will result in a positive test.

### **Testing Method**

The drug testing shall consist of collecting a urine sample from the student-athlete under the supervision of a laboratory technician from an accredited lab under contract with SFA. Each urine sample shall be analyzed using such tests as the Athletics Department may deem appropriate for the presence of screened drugs. The testing agency shall report all test results to the Director of Sports Medicine. For purposes of this program, a positive result shall mean a test result which indicates, in the opinion of the outside agency performing such testing, the presence of one or more of the drugs on the NCAA's banned list.

Appropriate precautions will be taken to assure and maintain the accuracy and confidentiality of the test results including the maintenance of a documented chain of specimen custody to insure the proper identification and integrity of the sample throughout the collection and testing process.

### **NCAA Banned Drug Classes**

The Committee on Competitive Safeguards and Medical Aspects of Sports has the authority to identify specific banned drugs and exceptions within each class. SFA student-athletes shall be held accountable for all drugs within the banned-drug classes regardless of whether they have been specifically identified. The current list of specific banned drugs and exceptions is located

on the NCAA Web site ([ncaa.org](http://ncaa.org)) or may be obtained from the NCAA national office.

The following is the list of banned-drug classes as of the date of this policy:

- Stimulants
- Anabolic agents
- Diuretics and other masking agents
- Street drugs
- Peptide hormones and analogues
- Anti-estrogens
- Beta-2 agonists

Many nutritional/dietary supplements contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry; therefore purity and safety of nutritional/dietary supplements cannot be guaranteed. Impure supplements may lead to a positive NCAA drug test. The use of supplements is at the student-athlete's risk. Student athletes are urged to check first with the Sports Medicine staff before taking any supplements to insure that there are no banned substances in the ingredients.

#### Medical Exception Policy

SFA recognizes that some banned substances are used for legitimate medical purposes. Accordingly, SFA allows exceptions to be made for those student-athletes with a documented medical history demonstrating a need for regular use of such a substance. Exceptions may be granted for substances included in the following classes of banned drugs: stimulants, beta-blockers, diuretics and peptide hormones.

The student-athlete is required to inform the Assistant Athletic Director for Sports Medicine of all medications he or she is taking. The sports medicine staff will maintain in the student-athlete's medical records a letter from the prescribing physician that documents the student-athlete's medical history demonstrating the need for regular use of such a drug. The letter should contain information as to the diagnosis (including appropriate verification), medical history and dosage information. In the event a student-athlete tests positive, the Assistant Athletic Director for Sports Medicine in consultation with the Team Physician will review the student-athlete's medical record to determine whether a medical exception should be granted.

#### Reasonable Suspicion Screening

A student-athlete may be subject to testing at any time when the Director of Athletics or his/her designee determines there is individualized reasonable suspicion to believe the participant is using a banned substance. Such reasonable suspicion may be based on observed behavior or objective information as determined by the Director of Athletics or by an Associate/Assistant Athletic Director, Head Coach, Assistant Coach, Assistant Athletic Trainer, or Team Physician, and deemed reliable by the Director of Athletics or his/her designee.

Reasonable suspicion may be found, but not limited to 1) observed possession or use of substances appearing to be prohibited drugs, 2) arrest or conviction for a criminal offense related to the possession or transfer of prohibited drugs or substances, or 3) observed abnormal appearance, conduct or behavior.

There are four possible levels in which a student-athlete may be placed in the Department's drug testing program: Level 0, 1, 2, 3. All student-athletes enter the program in category 0 (i.e., assumed to be drug-free and/or never have had a positive test). A positive test will result in entry into one of the other three levels as defined below:

Level 0: No history of a positive test.

Level 1: (Qualifications)

1. At least one positive test; and
2. Clinical assessment shows only occasional use without evidence for physical or psychological dependence.

Resulting Actions:

1. Student-athlete may be subject to mandatory counseling.
2. Student-athlete will be subject to increased frequency of testing.
3. Student-athlete may be subject to coach/team sanctions and will be warned of the consequences of future positive tests or failure to comply with either future drug testing procedures or professional counseling procedures.
4. Test results confined to Head Athletic Trainer and Head Coach.
5. Parents/guardians may be notified.

Level 2: (Qualifications)

1. At least one positive test and determination by a professional substance abuse counselor to be a regular user with physical or psychological dependence; or
2. Two or more positive tests within a nine-month period.

Resulting Actions:

1. Student-athlete will enter professional counseling, the frequency of which will be determined by a professional substance abuse counselor.
2. Student-athlete will be subject to increased frequency of testing.
3. Student-athlete will be subject to coach/team sanctions and will be warned of the consequences of future positive tests or failure to comply with either future drug testing procedures or professional counseling procedures. At a minimum competition suspensions will be equivalent in all sports and will be equal to one competition or 10% of the scheduled contests for that sport,

whichever figure is greater.

4. Parents/guardians will be notified.

The student-athlete may revert to Level 1 by repeated negative tests over a nine-month period and if the student-athlete successfully completes counseling or shows satisfactory progress as per the counselor. The Director of Athletics will be notified of all student-athletes who enter Level 2.

Level 3: (Qualifications)

1. Student-athlete will have tested positive after having been placed in Level 2; or

2. Student-athlete does not fulfill the professional counseling requirements.

Resulting Actions:

1. Student-athlete will enter professional counseling, the frequency of which will be determined by a professional substance abuse counselor.

2. Student-athlete will be subject to increased frequency of testing.

3. Student-athlete will be subject to increased coach/team sanctions. Furthermore, the individual will be given a final warning of the consequences of a positive test while in Level 3.

4. Student-athlete may be suspended indefinitely from participation in practice and contests until effective treatment is instituted and clinical improvement can be established. The Head Coach and Director of Athletics will initiate any suspension actions. The Head Athletic Trainer will initiate treatment and assessment.

5. Parents/guardians will be notified.

6. Student-athlete who tests positive after being placed in Level 3 will not have his/her athletic financial aid renewed and will be dismissed from the team.

Student-athlete may revert to Level 2 by repeated negative tests over a 12-month period and if the student-athlete successfully completes counseling or shows satisfactory progress as per the counselor.

The Director of Athletics will be notified of all student-athletes who enter Level 3.

Apart from drug testing, the Head Coach of each sport will have training rules and requirements which include prohibitions concerning the use of drugs. Individual team rules and sanctions may be more comprehensive and/or restrictive than those listed in the departmental policy. Each Head Coach will have the necessary authority to enforce these rules. A student-athlete whose system contains drug residues may not be capable of performing sports activities and may detract from team performance and/or be a hazard to himself/herself and others. Accordingly, Head Coaches may properly take positive drug test results into consideration along with any other indications of drug use, as a factor in determining whether, and to what extent, a particular student-athlete should be permitted to practice, workout, or compete. The Head Coach will confer with the Head

Athletic Trainer and Director of Athletics in such cases.

### Individual Team Drug Screen

There may be times that an entire team is tested. This may include but is not limited to the following reasons:

- Prior to post season competition.
- Suspected widespread use of/or association with banned substances by team members.

### Appeals

Student-athletes who test positive will be entitled to a hearing with the Director of Athletics or his/her designee prior to the imposition of any sanction. Requests for such a hearing must be made within forty-eight (48) hours of notification of a positive test result. If the

forty-eight hours would end on a weekend, the request must be made by noon on the next business day. Request must be in writing and received by the Director of Athletics.

The student-athlete may have an advocate or other representative present if the student so desires. However, the student-athlete must present his or her own case and the advocate or other representative may only advise the student-athlete. If the student-athlete chooses to bring an attorney as his/her advocate or representative, the Director of Athletics may request the university general counsel to be present. The meeting should take place no more than seventy-two (72) business hours after the written request is received. The student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The proceedings shall be confidential. The decision by the Director of Athletics or his/her designee regarding the sanction to be imposed shall be final, other appeal processes of the University notwithstanding.

### Test Results Security

It has been agreed by the President of the University and the Director of the Office of Student Rights and Responsibilities that they will not be entitled to request information as to result of drug tests of any student-athlete, nor to use any information of evidence as to such test results, for any disciplinary purposes whatsoever. The Department of Athletics will make every effort to keep all such test results confidential, except to the limited extent otherwise provided above, and will oppose the disclosure thereof to any other person within or outside the University.

## **NCAA Drug Testing**

All student-athletes may be tested by the NCAA at any time during the year and especially during championship competition.

A student-athlete who as a result of a drug test administered by the NCAA is found to have used a substance on the list of banned drug classes, shall be declared ineligible for further participation in postseason and regular-season competition during the time period ending one calendar year after the collection of the student-athlete's positive drug-test specimen. The student-athlete will also be charged with the loss of a minimum of the equivalent of one full season of competition in all sports. (see 31.2.3 in the NCAA Manual) The student-athlete will remain ineligible until he/she tests negative and their eligibility is restored by the NCAA following the yearlong ban. "Street Drugs."

A student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance in the banned drug class "street drugs" (in accordance with the testing methods authorized by the Executive Committee) shall be charged with the loss of competition during a minimum of 50 percent of a season in all sports (at least the first 50 percent of regular season contests or dates of competition in the season following the positive test)

## **Alcohol Policy**

The SFA Athletic Department does not condone the illegal or otherwise irresponsible use of alcohol. It is the responsibility of every member of the university community to know the risks associated with alcohol use and abuse. This responsibility obligates student-athletes to know relevant university policies and federal, state and local laws and to conduct themselves in accordance with these laws and policies. This policy extends to the recruitment of prospective SFA student-athletes. Prospective student-athletes visiting campus and socializing with current students are expected to participate in all activities without the influence of alcohol. It should be understood

that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of Texas state liquor laws. Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21.

The Athletic Department will issue a positive drug test result to any student-athlete upon conviction or plea of guilty to the following, or its equivalent:

1. Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs
2. Public intoxication
3. Drunk and disorderly

Other violations of law or university policy involving alcohol or drugs, including possession, will be reviewed by the Director of Athletics and may be grounds for a positive test result or suspension.

## Use of Tobacco

The use of tobacco products is prohibited for all Athletic Department personnel (e.g. coaches, student-athletes, athletic trainers, managers) in all sports during practice, competition, travel and in any other capacity while officially representing SFA.

NCAA bylaw 11.1.5 prohibits the use of all tobacco products during competition. This includes any celebratory activity occurring at the end of a competition. The Director of Athletics or his/her designee will sanction those who violate this tobacco policy on a case-by-case basis.

## **NCAA DRUG TESTING**

Any student-athlete may be tested by the NCAA at any time during the year. If the NCAA test confirms that the student-athlete has used a banned drug (see 31.2.3.1 in the NCAA Manual for a complete list of banned substances and practices), the NCAA declares the student-athlete ineligible for further participation in postseason and regular-season competition for one (1) calendar year following the positive test and until the student-athlete re-tests negative. Further, NCAA legislation specifies that student-athletes who test positive will lose at least one (1) season of competition or the equivalent of one (1) season during their period of ineligibility “Street Drugs.” A student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance in the banned drug class “street drugs” (in accordance with the testing methods authorized by the Executive Committee) shall be charged with the loss of competition during a minimum of 50 percent of a season in all sports (at least the first 50 percent of regular season contests or dates of competition in the season following the positive test)

## Appendix E

### HAZING

As stated in the General Bulletin, “Stephen F. Austin State University is unequivocally opposed to any activities, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a currently-enrolled or prospective student for the purpose of new member intake, being initiated into, affiliating with, holding office in, or maintaining membership in that organization.”

Hazing, which is prohibited in any form at SFA, includes (but is not limited to) situations which would require any of the following:

- 1.Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity;
- 2.Any type of activity which involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- 3.Any activity which involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health of the student;
- 4.Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code; or
- 5.involves coercing the student to consume drugs or alcoholic beverage or liquor in any amount that would lead a reasonable person to believe the student is intoxicated.

Organizations found to be encouraging or authorizing hazing will be subjected to both University and disciplinary sanctions and criminal prosecution.