

# **Student Impaired by Chemical Dependency Policy 1.11**

**Original Implementation: December 2004**

**Last Revision: May 2019**

The School of Nursing (SON) at Stephen F. Austin State University seeks to maintain an environment free from substance abuse to promote a safe, healthy and productive learning environment. The SON is also mandated by law to ensure the safety and well being of faculty, staff, students, patients and clients.

To achieve this environment and comply with the legal mandate, the SON, upon reasonable cause to suspect that the ability of a nursing student to perform the services of the nursing profession would be, or would reasonably be expected to be, impaired by chemical dependency, will ensure that the student is tested for drugs and alcohol. Upon a positive finding, the SON will file with the Texas Board of Nursing a written, signed report that includes the identity of the student and any additional information the Board requires as stated in the Texas Nurse Practice Act sec. 301.404.

## **CONSENT**

1. Each student will sign a consent form to undergo drug and alcohol testing upon request while a student in the SON.
2. Each student will sign a consent form for the information obtained during drug and alcohol testing to be shared with members of the SON faculty, the SON Ad Hoc Standards Committee members, and the University Office of Student Rights and Responsibilities, as necessary. Faculty will make every effort to ensure the information remains confidential.

## **TESTING**

If it is brought to the attention of the SON, by anyone in any manner, that any student may be impaired by chemical dependency, the Director will appoint an Ad Hoc Standards Committee who will immediately investigate the matter.

The Ad Hoc Standards Committee may require that:

1. The student submit to drug and alcohol testing as soon as possible after the accusation is made because drugs and alcohol may be quickly metabolized and excreted by the body.
2. The faculty member may arrange transportation of the student directly to a designated testing center accompanied by a SON representative, if appropriate. This representative will:
  - a. be the faculty member who identified the student; and/or
  - b. be a co-instructor in the class in which the behavior occurred; and/or
  - c. be a member of Ad Hoc Standards Committee; and/or
  - d. be a faculty member.

The University Police Department (UPD) has agreed to help with transportation if necessary. Every effort will be made to ensure the safety of the student.

3. The student will be excluded from all clinical activities pending results of the drug and/or alcohol test.
4. The Ad Hoc Standards Committee will review the results of the drug and/or alcohol test as soon as they are available.
5. If the results of the drug and/or alcohol test are negative, the matter may be dismissed without prejudice.
6. If the student refuses the test, or if there is evidence of tampering with any sample, the test may be deemed positive.

### **POSITIVE RESULTS**

If the results are positive, the appointed Ad Hoc Standards Committee will hold a hearing within three (3) business days, hearing written and oral evidence, including witnesses' statements, unless the student signs a written waiver of the hearing.

Upon completion of the hearing, the Ad Hoc Standards Committee may recommend one or more of the following:

1. dismissal without prejudice;
2. notification of the Office of Student Rights and Responsibilities University team;
3. notification of the Texas Board of Nursing pursuant to section 301.404 of the Texas Nurse Practice Act;
4. immediate dismissal from the nursing program with a grade of "F" in all current clinical courses;
5. enrollment in a drug and/or alcohol counseling programs, Alcoholics Anonymous or a similar group;
6. other actions the committee deems appropriate.

### **Documentation**

The Ad Hoc Standards Committee will document the above events.

### **Burden of Proof**

The burden of proof in all matters will be "reasonable cause." It will be based upon the following, including, but not limited to:

1. direct observation of drug or alcohol use or possession, and/or demonstration of physical and/or mental signs and symptoms of the influence of a drug or alcohol;
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;
4. evidence that a student has tampered with a drug or alcohol test;
5. possession of drug paraphernalia.