



## Texas Christian University Policy

**Policy Number:** 2.007

**Subject:** Drug and Alcohol Abuse

**Effective Date:** September 1, 1990

**Policy Last Revised:** February 14, 2019  
June 28, 2005

### **I. Purpose**

The university prohibits the unlawful possession, manufacture, use, sale, transfer, or purchase of any quantity of any prescription drug or other controlled substance or inhalant on university property or at university-sponsored activities. The university also prohibits the use or unlawful possession of alcoholic beverages by faculty and staff on campus. The use or possession of alcoholic beverages in all instructional settings including those remote to the campus is prohibited.

### **II. Applicability**

This policy applies to all employees of Texas Christian University.

### **III. Procedures**

The Drug Free Schools and Communities Act of 1989 requires that employers provide employees annually with information concerning:

- a description of the health risks associated with abuse of alcohol and the use of illicit drugs;
- standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by employees on property owned or managed by the institution or as part of any of the institutions activities;
- a list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol;
- a list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry), that are available to employees; and
- a clear statement that the institution may impose disciplinary sanctions on employees for violations of the standards of conduct and a description of those sanctions, up to and including termination of employment and referral for prosecution.

#### **1. Health Risks Associated Alcohol Abuse and Illicit Drug Use**

Abuse of alcohol and drugs has been shown to cause serious health problems.

## **Alcohol**

Frequent or heavy use of alcoholic beverages can result in brain damage; cirrhosis of the liver; cancer of the mouth, throat or pancreas; stomach ulcers; heart damage; lowered sex hormone production; and lowered immunity to infections and diseases. Alcohol use by pregnant women can also cause birth defect, lowered birth weight and/or mental retardation in children.

The use of alcohol is involved in half of all traffic related deaths and permanent disabilities. Alcoholism can lead to family dysfunction and violence. Alcoholics are six or more times likely to commit suicide as non-alcoholics.

## **Drugs**

The use of illegal drugs, including but not limited to, marijuana, cocaine, heroin, crack, amphetamines, psychedelics, and so-called “designer drugs”, and the abuse of controlled substances have shown result in physical and mental disorders. Lung damage (including lung cancer), lowered immunity to disease, memory loss, depression, flashbacks, lowered production of sex hormones, birth defects, low birth weight infants, and severe psychological disorders may result from use of drugs.

These drugs are highly addictive, both physically and psychologically. The body tends to build tolerance to such drugs so that larger and more frequent doses are required to satisfy the need for the drug.

### **2. Penalties for Drug and Alcohol Abuse**

Various local, state and federal regulations prohibit the illegal possession, use and distribution of illicit drugs and alcohol. Penalties for violation of such regulations vary depending on the type of violation, and in the case of alcohol, the age of the persons involved. Detailed descriptions of penalties are included in Appendix A.

### **3. Counseling for Drug and Alcohol Abuse**

An employee who voluntarily seeks assistance to correct a drug or alcohol abuse problem will not be subject to disciplinary action as a consequence of such abuse. Even though voluntary assistance has been sought, the employee becomes subject to disciplinary action if the abuse continues.

The University’s Alcohol and Drug Education office is located in the Lower Level of Samuelson Hall. Information regarding off-campus treatment facilities, available for students and employees, can be found at <https://ade.tcu.edu/students/resources/>.

TCU offers an Employee Assistance Program (EAP), which is a confidential support service designed to assist employees and immediate dependent family members with substance use and abuse. Such treatment is covered within certain limitations by the university’s group health insurance for participating persons. For detailed information regarding the Employee Assistance Program (EAP), employees are encouraged to contact Human Resources at 817-257-7790 or visit the EAP website at <https://hr.tcu.edu/employee-services/faculty-staff/benefits/employee-assistance-program/>.

#### **IV. University Disciplinary Action for Violation of the Drug and Alcohol Abuse Policy**

The university applies the following schedule of disciplinary action against employees who violate the drug and alcohol policy:

- Violation of the university's policy on drug and alcohol abuse may range from a verbal/written warning up to and including termination of employment.
- Employees may be required to complete an approved drug or alcohol abuse or rehabilitation program. Failure to complete the program may result in immediate termination of employment.

#### **V. Evaluation of the University's Sponsored Benefits**

Federal regulations require that the university evaluate the effectiveness of its drug and alcohol prevention, counseling, treatment, rehabilitation, and re-entry resources at least every two years and implement any needed changes.

The effectiveness of TCU's program will be evaluated based on the following criteria:

- Use of sick leave;
- Employee absences;
- Employee tardiness;
- Employee re-entry;
- Employee turnover;
- Workers' Compensation claims, both personal injury and automobile accidents;
- The number of disciplinary actions taken for violation of the university's drug and alcohol policy; and
- Consistency of treatment of employees who violate the university's drug and alcohol policy. Employee records are retained in accordance with state and federal law.

#### **IV. Administrative Responsibility**

The Human Resources office is responsible for administering and interpreting this policy.

### Legal Sanctions for Illegal Use of Alcohol and Other Drugs

Texas State Law		
OFFENSE	CLASS/DEGREE	PUNISHMENT
Manufacture or delivery of controlled substance (drugs)	State Jail Felony to First Degree Felony	Minimum: Up to 2 years in jail and a fine of up to \$10,000 Maximum: 15 years to life in jail and a fine of up to \$250,000
Possession of a controlled substance	Class B Misdemeanor to First Degree Felony	Minimum: Up to 180 days in jail and a fine of up to \$2,000 or both Maximum: 15 years to life in jail and a fine of up to \$250,000
Possession or delivery of marijuana	Class B Misdemeanor to First Degree Felony	Minimum: 180 days in jail or a fine of up to \$2,000, or both Maximum: 5 years to life in jail and a fine of up to \$100,000
Driving while intoxicated (alcohol or other drugs or both)	Class B Misdemeanor Class A Misdemeanor if BAC is equal to or greater than .15 Third Degree Felony if 2 or more prior convictions	Minimum: Confinement of 72 hours unless driver had an open container of alcohol in his/her possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of six days in jail. Maximum: 2 to 10 years in jail and a fine of up to \$10,000
Public intoxication	Class C Misdemeanor <b>If under 21 years of age,</b> Texas Alcoholic Beverage Code apply ( <a href="#">Sections 106.071 and 106.115</a> )	Fine up to \$500 Fine up to \$500 and attendance at an alcohol awareness program. Where the offender has previously been convicted twice for an alcohol-related offense by a minor, the punishment is a fine of \$250 to \$2,000, jail time of up to 180 days, community service of 8 to 40 hours, driver's license suspension for 30 to 180 days and attendance at an alcohol awareness program.
Purchase, consumption or possession of alcohol by a <b>minor</b>	Class C Misdemeanor	Attendance at an alcohol awareness program, and when the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.
Sale of alcohol to a <b>minor</b>	Class A Misdemeanor	Fine up to \$4,000, up to one year in jail, or both, 180-day driver's license suspension
Purchase of alcohol for a <b>minor</b> or furnishing alcohol to a <b>minor</b>	Class B Misdemeanor	Fine up to \$2,000, up to 180 days in jail, or both
Misrepresentation of age by a <b>minor</b> to person selling or serving alcohol	Class C Misdemeanor	Attendance at an alcohol awareness program, and where the offender is a minor previously convicted twice for alcohol-related offenses, a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both fine and imprisonment; community service of 8 to 40 hours; suspension of Texas Driver's License for 30 to 180 days and attendance at an alcohol awareness program.

Federal Law		
OFFENSE	MINIMUM PUNISHMENT	MAXIMUM PUNISHMENT
Manufacturing, distribution or dispelling of illegal drugs	Imprisonment up to 3 years, and a fine of \$250,000, or both	Life imprisonment (no parole) and fine up to \$8 million (individual) or \$20 million (other)
Possession of illegal drugs	Imprisonment for up to 1 year and a fine of not less than \$1,000 or both	5 to 20 years imprisonment and fine of at least \$5,000 plus investigation/court costs
Distribution of drugs to a person under 21 years of age	Double the federal penalty for distribution of drugs	Triple the penalty for distribution of drugs