34.02.01.K1 Alcohol and Illegal Substance Abuse

Approved: April 22, 2004
Revised: June 1, 2011
Revised: December 16, 2014
Reviewed: April 9, 2019
Revised: April 15, 2021
Next Scheduled Review: April 15, 2026

Rule Summary

Texas A&M University-Kingsville is committed to maintaining an environment free from substance abuse and its primary concern is prevention and treatment.

This rule is required by System Regulation *34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs.*

Definitions

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Rule

1. PROHIBITION AND CONSEQUENCES

1.1 Texas A&M University Kingsville prohibits the illicit use, sale, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner. Drugs and other controlled substances are defined in System Regulation *34.02.01*.

1.2 The purchase, consumption and possession of alcoholic beverages in facilities under the control of Texas A&M University-Kingsville shall in all respects comply with state laws and with guidelines as defined in System Policy *34.02* and System Regulation *34.02.01*.

1.3 Failure to comply with this rule by any employee will constitute grounds for disciplinary action, up to and including termination of employment. An employee who violates any criminal drug or alcohol statute will be reported to the appropriate law enforcement agency and may be subject to prosecution in accordance with the law.

Legal sanctions for violation of local, state and federal laws may include, but are not limited to, fines, probation, jail, or prison time.

1.4 Employees shall report suspected violations of this rule to their immediate supervisors or to the Human Resources office. The university relies on the observations and judgment of first-line supervisory staff to evaluate the behavior of their employees and to identify suspected impaired behavior. If drug testing is required, it will be conducted consistent with System Regulation *34.02.01*.

1.5 An employee found to be in violation of this rule may be required to participate in and satisfactorily complete an approved rehabilitation or assistance program prior to returning to work. If the individual fails to comply with the mandatory treatment, he or she may be subject to termination of employment from Texas A&M University-Kingsville.

1.6 In accordance with the Drug-Free Workplace act of 1988 and the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors or as a condition of any federal grant or contract as required by such grant or contract, the university will institute and maintain a program for achieving the objective of a drug-free work force. This program will include employee assistance programs emphasizing education, counseling, and rehabilitation; training to assist in identifying and addressing illicit drug use; provisions for self-referrals as well as supervisory referrals for treatment; and procedures for identifying illicit drug users, including a random drug testing program for employees in sensitive positions or in a position funded by a federal grant or contract with such requirements.

1.7 As a condition of employment, employees on federal governmental grants or contracts must abide by the required notification statement as described in Section 2 below, and must report any criminal drug statute conviction for a violation occurring in the workplace or on university business to their employer no later than five days after the conviction. The employer, in turn, must notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction and, within 30 days, must impose sanctions on the employee involved. Sanctions may take the form of personnel actions against the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse or rehabilitation program. Additional restrictions or requirements may be implemented on a per project basis if required under the terms of a federal grant or contract.

2. REPORTING REQUIREMENTS

2.1 Annually, the university will notify, in writing, each employee and each student of:

(a) the standards of conduct that prohibit the unlawful manufacture, distribution, dispensation, use and possession of illicit drugs and alcohol by students and employees on university property or as part of any university activity;

(b) a description of the applicable legal sanctions under local, state, or federal laws for the unlawful manufacture, distribution, dispensation, use or possession of illicit drugs or alcohol;

(c) a description of the health risks associated with the use of illicit drugs and alcohol;

(d) a description of drug or alcohol counseling, treatment, rehabilitation, re-entry or employee assistance programs that are available to students and/or employees;

(e) A clear statement that the university, consistent with local, state or federal law, will impose sanctions against a student or employee who violates the standards of conduct;

(f) a description of the university's program, including alternative support, education and re-entry programs for students who are expelled as a result of violating standards required by these minimum requirements.

2.2 As required by federal law, the university will conduct a biennial review of its program and report:

(a) the effectiveness of the program;

(b) the consistency of sanction enforcement;

(c) the number of drug and alcohol-related violations and fatalities that occur on university property or at university activities and reported to campus officials, and the number and type of sanctions that imposed by the university for such reported violations and fatalities on university property or at university activities; and

(d) whether any changes to the program are needed and implement any such changes.

2.3 The university shall, upon request, make available to the Secretary of Education or designee, other applicable government agencies and the general public, all documents reflecting program information, as well as the biennial review.

2.4 The university will certify the accessibility of a drug abuse prevention program for leadership, employees and students of the university.

3. EDUCATIONAL EFFORTS

3.1 In order to comply with the Drug-Free Workplace Act of 1988, the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors, and the Drug-Free Schools and Communities Act of 1994 required information described in Section 2 above is distributed to all new employees through New Employee Orientation, and to all other employees on an annual basis.

Related Statutes, Policies, or Requirements

21 U.S.C.A. sec. 812, *The Controlled Substances Act*

41 U.S.C. sec 701-707, *The Drug-Free Workplace Act of 1988*

34 C.F.R. 86 (Authority: 20 U.S.C. 1145g), *The Drug-Free Schools and Communities Act of 1989*

Texas Health and Safety Code, Chapter 481, *Texas Controlled Substances Act*

System Policy *34.02, Drug and Alcohol Abuse*

System Regulation *34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs*

Contact Office

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