

34.02.01.C1

Drug and Alcohol Abuse and Rehabilitation Programs



Revised: March 2, 2021

Next Scheduled Review: March 2, 2026

[Revision History](#)

Rule Summary

Texas A&M University-Corpus Christi (university) is committed to a drug-free environment and protecting the safety, health, and wellbeing of all employees and students. This rule provides information about the drug and alcohol abuse awareness, prevention, and intervention programs for employees and students in accordance 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 1989 and as required under other federal-granting authorities.

Definitions

Refer to system regulation *34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs* for definitions.

Rule

1. GENERAL

- 1.1. The university is committed to educating employees and students about alcohol and drug issues, deterring the irresponsible use of alcoholic beverages, and prohibiting the unlawful manufacture, use, possession, or distribution of controlled substances. The university will act to ensure compliance with the requirements of the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors, the Department of Transportation and other regulatory bodies, and applicable state laws for employees and students.

- 1.2. The Director of Human Resources (employees) and the Associate Dean of Students (students) will inform the Office of General Counsel (OGC) of possible violations of this rule and coordinate any testing due to reasonable suspicion of drug or alcohol use or abuse.
- 1.3. To implement an effective alcohol and drug-free awareness and prevention plan, the university will use both formal and informal channels of communication to:
 - (a) Disseminate information describing patterns of addiction and the physical, mental, and emotional consequences that result from the abuse of alcohol and controlled/illegal substances;
 - (b) Distribute information that describes and encourages the use of counseling and treatment modalities available to both students and employees in the local and regional area; and
 - (c) Make available to campus population referrals to local treatment centers and counseling programs. These referrals will be made within a supportive, confidential, and non-punitive environment under the auspices of the University Health Center, Counseling Center, and/or Human Resources.

2. LEGAL REQUIREMENTS CONCERNING THE USE OF ALCOHOL

- 2.1. Any use of alcoholic beverages on campus or at university functions is subject to the alcoholic beverage laws of the State of Texas. These laws prohibit:
 - (a) the purchase, consumption, or possession of alcohol by a minor;
 - (b) the purchase of alcohol for a minor;
 - (c) furnishing alcohol to a minor;
 - (d) misrepresentation of age by a minor;
 - (e) public intoxication;
 - (f) driving while intoxicated; and
 - (g) consumption of alcohol while operating a motor vehicle (open container law).
- 2.2. Additionally, state law prohibits the sale of any type of alcoholic beverage unless the seller possesses a valid license or permit. The term "sale" is broadly interpreted by law enforcement authorities to include such practices as charging admission to events when alcohol is being served. In addition, tickets, activity fees, membership dues, or other exchanges that are in any way restrictive, are viewed as indirect payment for alcoholic beverages and are, therefore, illegal unless the alcohol is obtained through a valid liquor license.

3. UNIVERSITY STANDARDS CONCERNING THE USE OF ALCOHOL ON CAMPUS

3.1. These standards were established by the university to address the use of alcohol on campus or at functions occurring under the auspices of the university and apply to all persons on campus or present at functions occurring under the auspices of the university.

3.1.1. The university prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21. Failure to comply with this standard violates state law and the rules governing student conduct and will subject the individual to disciplinary action.

3.1.2. The possession or use of alcoholic beverages on university property will not be permitted except in special use buildings and facilities as designated by the President, approved by the Chancellor, and subsequently reported to the Board of Regents. The list of designated buildings and facilities will be identified in the annual report by the President to the Board of Regents and posted in the Appendix section of this rule and on the university's rules and procedures website.

In addition, students of lawful age under Texas statutes may be permitted to possess and/or consume alcoholic beverages in the privacy of their rooms in campus housing. However, on-campus residents and their guests must comply with state and local statutes concerning possession, sale, and consumption of alcoholic beverages. Any use of alcoholic beverages should not disrupt residents' rights to privacy, sleep, and study. Loud or disruptive behaviors that interfere with cleanliness and safety or drinking habits that are harmful to the health or education of an individual or those around them are reasons for appropriate disciplinary action by the university.

3.1.3. Except as noted above, the possession of open containers and consumption of beer, wine, and/or distilled spirits is prohibited in all public areas of the campus. For the purposes of this rule, apartment balconies, patios, and residence hall common areas are considered public areas. Although students of lawful age may possess and consume alcoholic beverages in the privacy of their rooms, all alcoholic beverages transported through public areas on the university grounds and in campus housing must be unopened and concealed.

3.1.4. Any purchase of alcoholic beverages by a unit of the university must comply with system policy *34.03, Alcoholic Beverages*.

3.1.5. More restrictive guidelines may apply to individuals within the university community based on membership within university organizations (e.g., athletics, fraternities/sororities, or other organizations).

3.2. Additional standards applying specifically to employees are discussed in section 5 this rule.

4. UNIVERSITY REQUIREMENTS REGARDING THE USE OF DRUGS

4.1. All members of the university community are expected to abide by applicable local, state, and federal laws, regulations, and conditions of federal grants or contracts pertaining to controlled substances and illicit drugs. Standards of conduct strictly prohibit the unlawful manufacture, distribution, possession, or use of controlled substances or illicit drugs on university property, at university-sponsored activities, and/or while on active duty.

4.2. Individuals may use prescriptive medications that are medically necessary and prescribed for them by a licensed medical practitioner.

4.3. Employees or students found violating this rule will be subject to the disciplinary measures required by all pertinent local, state, and federal statutes. In addition, the disciplinary procedures outlined in the Student Code of Conduct, Department of Athletics Student-Athlete Handbook, and other relevant university rules and procedures will be enforced.

5. ADDITIONAL DRUG AND ALCOHOL STANDARDS FOR EMPLOYEES

5.1. All new employees are provided a copy of the Alcohol & Illicit Drugs Standards of Conduct (see Appendix). In addition, they are informed that they are responsible for reading this rule. The employee acknowledges the receipt of information in the electronic onboarding process, and the acknowledgement is retained in the official personnel records.

5.2. Employees are prohibited from using or being under the influence of controlled substances during working hours except for the legal use of a controlled substance prescribed by a licensed medical practitioner. Prescription medication is to be used only in the manner, combination, and quantity prescribed, and may only be used by the person for whom it is prescribed.

5.3. Any employee whose use of alcohol, drugs, or other controlled substances results in absenteeism, tardiness, impairment of work performance, or is the

cause of workplace accidents, may be subject to disciplinary action and may be required to participate in an available alcohol and drug counseling, rehabilitation, or employee assistance program. An employee who rejects participation in a required program may be subject to disciplinary action up to and including termination.

- 5.4. Employees whose work-related performance gives cause for reasonable suspicion of use or possession of alcohol or a controlled substance may be subjected to testing for the substance in accordance with system regulation *34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs* with the advice of the OGC. A refusal to submit to a test combined with a reasonable suspicion of usage, may be a sufficient basis for termination.
- 5.5. Any disciplinary action will be governed by system policies and regulations on discipline and dismissal, academic freedom, responsibility, and tenure. A record of the action will be placed in the employee's personnel file.
- 5.6. Faculty and staff members have the responsibility to supervise student activities on university-affiliated trips. Faculty and staff members must inform students that actions violating applicable international and domestic laws regarding alcohol and drugs will not be permitted on any university-affiliated trip. Faculty, staff members, and students must follow system policies and regulations and university rules and procedures regarding alcohol and drugs while on university-affiliated trips. Faculty and staff are encouraged to contact Employee Development and Compliance Services (EDCS) with questions about providing students with this information. The failure to properly inform students regarding alcohol and drug use on affiliated trips, whether reported to EDCS or discovered later, will be subject to disciplinary action (e.g., written reprimand, suspension without pay, termination of employment) in accordance with appropriate employment procedures.
- 5.7. Drug testing of an employee in a DOD-funded sensitive position will be conducted in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. Ch. 10 (§§ 701-707) and Drug-Free Work Force Rules for Department of Defense (DOD) Contractors (48 CFR 252.223-7004) or as required as a condition of any federal grant or contract.
- 5.8. Drug testing of employees required to have commercial driver's licenses or in a position funded by a federal grant or contract with such requirements will be conducted in accordance with the Federal Highway Administration and Department of Transportation regulations in the following situations: (1) pre-employment, (2) post-accident, (3) reasonable suspicion, (4) random, and (5) return-to-duty and follow-up.

- 5.9. Additional restrictions or requirements may be implemented on an individual project basis as required under the terms of a federal grant or contract.

6. REASONABLE SUSPICION OF EMPLOYEE DRUG AND ALCOHOL ABUSE

- 6.1. Administrators should exercise extreme caution in all matters relating to drug and alcohol policies. They should assure that procedures are carefully followed and that substantial evidence from reliable sources supports a decision to confront an employee concerning a possible violation. Administrators or supervisors seeking advice on appropriate responses to possible violations of alcohol or drug rules by employees should consult with EDCS per section 5 of system regulation *34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs*.
- 6.2. As requested, EDCS, provides employees with information on the university's Employee Assistance Program (EAP) benefit. The EAP can provide assistance, and if needed, referral to appropriate local community agencies. These guidelines apply to referrals:
 - (a) The employee is responsible for any cost/fees incurred for professional services provided by community agencies.
 - (b) To the extent possible, information concerning an employee's diagnosis, referral, and treatment will be kept strictly confidential.
 - (c) The rights of employees will be assiduously respected by all administrative and supervisory personnel. Employee rights are delineated in system policies and regulations and university rules and procedures.
- 6.3. All meetings between the employee and the supervisor or other designated administrator to address the suspected alcohol or drug-related problem and/or its resolution should be documented and maintained by the supervisor to demonstrate that the discussions corrected the issues or as support for disciplinary action. Medically-related issues regarding alcohol or drug-related concerns (e.g., alcoholism or participation in a recovery treatment program) will be maintained separate from personnel records at EDCS and/or Human Resources, as appropriate.

7. REASONABLE SUSPICION OF STUDENT DRUG AND ALCOHOL ABUSE

- 7.1. Students suspected or found in violation of drug and alcohol policies, regulations, and rules will be notified in writing to appear for a hearing with Conduct and Community Standards. The process for hearings is outlined in the Student Code of Conduct. The process for intercollegiate student-athletes who have demonstrated a reasonable suspicion of drug use is

outlined in the Department of Athletics Student-Athlete Handbook. Student-athletes are also responsible for following all other university rules and procedures including the Student Code of Conduct.

7.2. Students will be advised of available alcohol and drug counseling at the University Counseling Center and/or referred to a community organization. The University Counseling Center and the University Health Center can provide assistance and referral to appropriate local community agencies. The following guidelines apply to referrals:

- (a) The student is responsible for any cost/fees incurred for professional services provided by community agencies.
- (b) To the extent possible, information concerning a student's diagnosis, referral, and treatment will be kept strictly confidential.
- (c) Student rights are delineated in the Student Code of Conduct and other university publications. The rights of students will be assiduously respected by all administrative and supervisory personnel.

7.3. Sanctions for violations of drug or alcohol policies, regulations, and rules may include but are not limited to expulsion, suspension, probation, and/or a letter of reprimand.

8. DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS FOR EMPLOYEES AND STUDENTS

8.1. In accordance with the Drug-Free Schools and Communities Act of 1989, the university will develop and implement alcohol and drug-free awareness and prevention programs for employees and students. Programs will conform to system policies and regulations as well as related state and federal laws and will incorporate information regarding:

- (a) The dangers of alcohol and drug abuse;
- (b) Maintenance of a workplace and learning environment free from alcohol and drug abuse;
- (c) Available alcohol and drug counseling, rehabilitation, and employee assistance programs; and
- (d) Penalties that may be imposed upon employees and students for alcohol and drug abuse violations.

8.2. The drug and alcohol abuse prevention measures will include, but are not limited to:

- (a) The distribution of relevant materials to all employees and students.
- (b) The presentation of campus workshops, seminars, and other

programs to educate employees and students about alcohol and drug abuse prevention.

- (c) The distribution of information concerning the prevention of drug/alcohol abuse on campus.
- (d) The development of evaluation/assessment methods to identify drug and alcohol issues among the employees and students, as well as the efficacy of current policies.
- (e) The distribution of relevant information on drug use to employees and students through the University Health Center, the University Counseling Center, and Human Resources.

8.3. Student Engagement & Success will work with other departments, such as Human Resources and the University Police Department, to create effective awareness and prevention programs for students.

8.4. Human Resources and the University Police Department will work to create effective awareness and prevention programs for employees.

8.5. Annually, EDCS will notify each employee via a mandatory TrainTraq online course, and Student Engagement & Success will notify each student in writing, with the following information:

- (a) The standards of conduct that prohibit the unlawful manufacture, possession, dispensation, use, or distribution of illicit drugs and alcohol by employees and students on the university's property or as part of any university activity;
- (b) A description of the applicable legal sanctions under local, state, or federal law for the unlawful manufacture, possession, dispensation, use, or distribution 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 any drug or alcohol counseling, treatment, rehabilitation, re-entry, or employee assistance programs that are available to employees and/or students;
- (e) A clear statement that the university, consistent with the local, state, or federal law, will impose sanctions against a employee or student who violates the standards of conduct to include expulsion from school or termination from employment and referral for prosecution. A disciplinary sanction may include the completion of an appropriate rehabilitation program; and
- (f) A description of the university's programs, including alternative support, education, and re-entry programs for students who are expelled as a result of violating standards required by these minimum requirements.

- 8.6. Additionally, all first-year students will be required to complete an online educational course which addresses Title IX related issues, alcohol and drug abuse, and bystander intervention. Students who fail to complete the course may have an academic hold placed on their account preventing their registration for Spring courses.
- 8.7. As required by federal law, the university, led by Student Engagement & Success, will conduct a biennial review of its programs and report:
- (a) Description of elements of alcohol and other drug programs;
 - (b) Statement of goals of alcohol and other drug programs and a discussion of goal achievement;
 - (c) Summaries of strengths and weaknesses of alcohol and drug programs;
 - (d) Guidelines for distributing annual notifications regarding alcohol and drug programs to employees and students;
 - (e) Copies of the policies distributed to employees and students; and
 - (f) Recommendations for revising alcohol and drug programs.
- 8.8. The university will, upon request, make available to the Secretary of Education (or designee), other applicable government agencies, and the general public, all documents outlined in section 8.5 of this rule, as well as, the biennial review.
- 8.9. The university will certify the accessibility of drug abuse prevention programs for university officers, employees, and students as required under 20 U.S.C.A. §1094.

Related Statutes, Policies, or Requirements

[20 U.S.C. § 1011i](#)

[20 U.S.C. § 1094](#)

[21 U.S.C.A. § 812, The Controlled Substances Act](#)

[41 U.S.C. §§ 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](#)

[48 C.F.R. 252.223-7004, The Drug-Free Work Force Rules for Department of Defense \(DOD\) Contractors](#)

[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](#)
System Policy [34.03, Alcoholic Beverages](#)

This rule supersedes:

- [34.02.99.C1, Alcohol and Drugs](#)

Appendix

[Alcohol & Illicit Drugs Standards of Conduct](#)
[Report on Sites of Permitted Use of Alcohol](#)
[Student Code of Conduct](#)

Contact Office

Contact for clarification and interpretation: Employee Development & Compliance
Services
(361) 825-2765
Vice President for Student Engagement &
Success
(361) 825-3404