



Rule

34.02.01.L1 University Alcohol and Drug Abuse Prevention Program

First Approved: August 17, 2006
Revised: February 13, 2017
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Rule Statement and Reason for Rule

Texas A&M International University (TAMIU) is committed to a drug-free environment and protecting the safety, health, and well-being of all employees and students.

The use of illicit drugs and alcohol may have a detrimental impact on The Texas A&M University System (System) and each member in achieving their missions. This rule provides guidelines for implementation of a drug and alcohol abuse awareness, prevention, and intervention program for students and employees in accordance with the Drug-Free Workplace Act of 1988, the Drug-Free Workforce Rules for Department of Defense (DOD) Contractors, and the Drug-Free Schools and Communities Act of 1989.

Procedures and Responsibilities

1. GENERAL

- 1.1 TAMIU is committed to providing its employees a drug and alcohol free workplace. In compliance with [System Policy 34.02, Drug and Alcohol Abuse](#) and [System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs](#), this rule addresses alcohol use and abuse; the illegal use, sale, or possession of drugs; and the misuse of drugs including over-the-counter and prescription drugs.

- 1.2 TAMIU is committed to educating students and employees about alcohol and drug issues, deterring the irresponsible use of alcoholic beverages and prohibiting the unlawful manufacture, use, possession, or distribution of controlled substances. TAMIU will act to ensure compliance with the Drug-Free Workplace Act of 1988; the Drug-Free Schools and Communities Act of 1989; the Drug-Free Workforce Rules for Department of Defense (DOD) Contractors; and requirements of the Department of Transportation; or other regulatory bodies and applicable state laws for students and employees.
- 1.3 The appropriate senior administrator or designee shall inform the Office of General Counsel (OGC) of possible violations of this rule and the advice of OGC's attorney will be secured before testing anyone due to reasonable suspicion of drug or alcohol use.

2. PROHIBITION

- 2.1 In accordance with federal and state laws and System regulations, TAMIU prohibits the unlawful manufacture, distribution, possession, or use of illicit drugs or alcohol on property under the control of TAMIU and/or while on official duty and/or as part of any associated activities.
- 2.2 The purchase, consumption, and possession of alcoholic beverages in facilities under the control of TAMIU shall comply with [System Policy 34.02, Drug and Alcohol Abuse](#) and [System Policy 34.03, Alcoholic Beverages](#).
- 2.3 Failure to comply with this rule may result in disciplinary action up to and including termination of employment. An employee who violates any of the drug laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state, and federal laws may include, but not be limited to fines, probation, jail, or prison sentences.
- 2.4 Faculty and staff members have the responsibility to supervise student activities on TAMIU-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 TAMIU-affiliated trip. Faculty and staff who violate these guidelines by not informing students regarding alcohol and drug use on affiliated trips will be subject to disciplinary action.
- 2.5 The TAMIU Athletics Department has specific rules relating to the use of alcohol and drugs by student athletes. These rules along with the information relating to the Athletic Department's drug testing program can be found in the [TAMIU Student-Athlete Manual](#).

3. RESPONSIBILITY

- 3.1 Employees shall report suspected violations of this policy to their immediate supervisor or to the Office of Human Resources.

3.2 Employees shall report to their supervisors, or to the Office of Human Resources, any use of a prescribed or over-the-counter medication that could adversely affect job performance. Any such medical information will be kept confidential and shared with the appropriate personnel only on a need-to-know basis. Those employees adversely affected by the medication during the normal course of duty may be placed on leave in accordance with leave regulations.

4. DRUG AND ALCOHOL TESTING

4.1 The decision to test for drugs and alcohol will be in accordance with [System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs](#).

4.2 Drug testing of an employee in a Department of Defense (DOD)-funded sensitive position or in a position funded by a federal grant or contract with such requirements will be conducted in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. Ch.10 (§§ 701-707) and Drug Free Workforce Rules for Department of Defense (DOD) Contractors (48 CFR 252.223-7004), or as a condition of any federal grant or contract if required by the grant or contract. Additional restrictions or requirements may be implemented on a per project basis if required under the terms of a federal grant or contract.

4.3 Drug testing of employees required to have commercial driver's licenses 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 follow-up.

5. DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM FOR STUDENTS AND EMPLOYEES

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

- (1) The dangers of alcohol and drug abuse.
- (2) The maintenance of a workplace and learning environment free from alcohol and drug abuse.
- (3) Available alcohol and drug counseling, rehabilitation, and employee assistance programs.
- (4) Penalties that may be imposed upon students and employees for alcohol and drug abuse violations.

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

- (1) The distribution of relevant printed materials to all students and employees, as explained in Section 5.1 of this rule.
- (2) The presentation of campus seminars and programs to educate students and employees about alcohol and drug abuse prevention.
- (3) The posting of current, relevant printed material concerning the prevention of drug and alcohol abuse on campus.

- (4) The development of evaluation/assessment methods to identify drug and alcohol issues among the students and employees.
 - (5) The distribution of relevant information on drug use to students and employees through the offices of Student Health Services, Student Counseling & Disability Services, and Human Resources.
- 5.2 Annually, the Office of Human Resources will notify each employee and the Office of Student Success will notify each student electronically or in writing and include:
- (1) The standards of conduct that prohibit the unlawful manufacture, possession, dispensation, use, or distribution of illicit drugs and alcohol by students and employees on TAMIU's property or as part of any TAMIU activity.
 - (2) A description of applicable legal sanctions under local, state, or federal law for the unlawful manufacture, possession, dispensation, use, or distribution of illicit drugs or alcohol.
 - (3) A description of the health risks associated with the use of illicit drugs and alcohol.
 - (4) A description of any drug or alcohol counseling, treatment, or rehabilitation, or employee assistance programs that are available to students and/or employees.
 - (5) A clear statement that TAMIU, consistent with the local, state, or federal law, will impose sanctions against a student or employee who violates the standards of conduct to include expulsion from school or termination from employment and referral for prosecution.
 - (6) A description of TAMIU's program, including alternative support, education, and re-entry for students who are expelled as a result of violating standards required by these minimum requirements.
- 5.3 As required by federal law, TAMIU, led by the Office of Student Success, will conduct a biennial review of its program and report the following:
- (1) A description of alcohol and other drug program elements.
 - (2) A statement of alcohol and other drug program goals and a discussion of goal achievement.
 - (3) Summaries of alcohol and drug program strengths and weaknesses.
 - (4) Procedures for distributing annual alcohol and drug program notification to students and employees.
 - (5) Copies of policies distributed to students and employees.
 - (6) Recommendations for revising alcohol and drug programs.
- 5.4 Upon request, TAMIU will make available to the Secretary of Education, or its designee, other applicable government agencies, and the general public, all documents outlined in Section 5 of this rule.
- 5.5 TAMIU will certify the accessibility of a drug abuse prevention program for officers, employees, and students as required under [20 U.S.C. § 1094, Program Participation Agreements](#).

Related Statutes, Policies, Regulations, or SAP's

[20 U.S.C. § 1011i, Drug and Alcohol Abuse Prevention](#)

[20 U.S.C. § 1094, Program Participation Agreements](#)

[20 U.S.C. § 812, The Controlled Substance 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, 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](#)

[TAMIU Student-Athlete Manual](#)

Definitions

Refer to definitions in [System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs](#).

Contact Office

Office of Human Resources, 956-326-2365