Alcohol & Illicit Drugs Standards of Conduct, 2008-2009

Texas A&M University-Corpus Christi is committed to a campus wide plan to educate students and employees about alcohol and drug issues, discourage the irresponsible use of alcoholic beverages, and prohibit the unlawful use, possession or distribution of controlled substances. The University will act to ensure compliance with all local, state, and federal laws and A&M University System policies dealing with controlled substances, illicit drugs, and the use of alcohol.

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 rule violates state law and the rules governing student conduct and will subject the individual to disciplinary action.

Students of lawful age under Texas Statutes may possess and/or consume alcoholic beverages in the privacy of their rooms or apartments in campus residence facilities. However, occupants and their guests must comply with state and local statutes concerning possession, sale, and consumption of alcoholic beverages. Any use of alcoholic beverages should be in moderation. Therefore, bulk quantities of alcohol (kegs, cases, party balls, etc.) are not allowed on campus or in residence facilities. Loud or disruptive behavior, interference with the cleanliness of residence facilities, or drinking habits that are harmful to the health or education of an individual or those around him/her are reasons for appropriate disciplinary action by the University.

Except for the limited circumstances specified in University Rule 34.02.01.C1, the possession of open containers and the consumption of beer, wine, and/or distilled spirits is prohibited in all public areas of the campus. For the purposes of this rule, residence facilities' balconies and patios are considered public areas. Although students of lawful age may possess and consume alcoholic beverages in the privacy of their rooms or apartments, all alcoholic beverages transported through public areas on the University grounds and in residence facilities must be unopened and concealed.

All members of the University community are expected to abide by state and federal laws pertaining to controlled substances and illicit drugs. Standards of conduct strictly prohibit the unlawful manufacture, distribution, possession or use of controlled substances, illicit drugs or drug paraphernalia on University property, at University-sponsored activities, and/or while on active duty. Individuals may use prescription medications that are medically necessary and prescribed by a licensed physician.

While the University has limited jurisdiction when alcoholic beverages and illegal drugs are consumed off-campus, members of the University community are encouraged to consider these regulations as a guideline for responsible and lawful behavior. Any recognized student organization that plans to include alcohol at an official function off-campus must obtain permission from Student Activities under the University risk management guidelines. Failure to comply with this requirement will be reason for appropriate disciplinary action by the University.

To implement an effective drug and alcohol abuse prevention plan, the University will use both formal and informal channels of communication to: 1) disseminate information describing patterns of addiction and the physical, mental, and emotional consequences that result from the abuse of alcohol and controlled/illegal substances, 2) 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 3) make available to the 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.

This brochure is prepared in compliance with the Drug Free Schools & Communities Act of 1989 and is distributed annually to all University students and employees.

LEGAL SANCTIONS
Zero Tolerance Sanctions for Minors with Alcohol Law

It is illegal for a minor to drive while having any detectable amount of alcohol in his/her system. The consequences of a first offense include being sanctioned by the state for a Class C misdemeanor, punishable by a fine up to $500, attendance at an alcohol awareness class, 20-40 hours of mandatory community service, and 60 days driver’s license suspension (the minor would not be eligible for an occupational license for the first 30 days). A second offense results in the same sanctions, but increases the driver’s license suspension to 120 days (the minor would not be eligible for an occupational license for the first 90 days) and mandatory 40 to 60 community service. If a third violation occurs, the minor is not eligible for deferred adjudication. The minor’s driver’s license is suspended for 180 days (an occupational license may not be obtained during the entire suspension period). If the minor is 17 years of age or older, the fine increases to $500-$2,000, confinement in jail for up to 180 days, or both. Minors who purchase, attempt to purchase, possess, or consume alcoholic beverages, as well as minors who are publicly intoxicated or misrepresenting their age to obtain alcoholic beverages face the following consequences: Class C misdemeanor punishable by a fine up to $500, a mandatory alcohol awareness class, 8-40 hours of community service, and 30-180 days loss or denial of driver’s license. If a minor is 17 years of age or older and the violation is a third offense, it is punishable by a fine of $250-$2,000, confinement in jail for up to 180 days or both, as well as automatic driver’s license suspension or denial.
Sale or Giving Alcohol to a Minor
The punishment for making alcoholic beverages available to a minor is a Class B misdemeanor, punishable by a fine of up to $2,000, confinement in jail for up to 180 days, or both. Sale to a minor is a Class A misdemeanor, punishable by a fine of up to $4,000, confinement up to a year in jail, or both.

Public Intoxication
A person commits an offense if he/she appears in a public place while intoxicated to the degree that he/she may endanger him/herself or another. Public intoxication is a Class C misdemeanor, punishable by a fine up to $500.

Driving While Intoxicated
A person commits an offense if he/she is intoxicated while operating a motor vehicle in a public place. Driving while intoxicated is a Class B misdemeanor, with a minimum term of confinement of 72 hours and/or a fine not to exceed $2,000. If it is shown on the trial of an offense under this section that at the time of the offense the person operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is a Class B misdemeanor, with a minimum term of confinement of six days and/or a fine not to exceed $2,000.

DWI With a Child Passenger
Motorist can be charged with child endangerment for driving while intoxicated if they're carrying passengers younger than 15 years old. DWI with a child passenger is a felony and punishable with up to $10,000 fine, up to two years in state jail, and loss of driver's license for 180 days.

Possession/Manufacture/Delivery/Trafficking of a Controlled Substance
Penalties for possessing or delivering a controlled substance range according to type of substance, amount possessed or delivered, and number and type of previous violations. On the state level, misdemeanors are punishable by up to $2,000 in fines and up to one year in jail or both. Felonies are punishable for by 5-99 years, or life, in prison and up to $20,000 in fines. On the federal level, a first conviction for possession of a controlled substance can result in imprisonment of up to one year, a fine of $1,000-$100,000 or both. Subsequent convictions can result in longer prison sentences, larger fines, or both. Possession of crack cocaine can result in mandatory federal prison terms of 5-20 years, fines up to $250,000, or both. Any person who distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private college, junior college, or university is subject to twice the maximum punishment, at least twice any term of supervised release, and a fine up to twice of that authorized may be imposed. Except to the extent a greater minimum sentence is otherwise provided, a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marijuana. An individual convicted of trafficking by a federal court can receive up to life imprisonment and be fined up to $8 million.

Possession of Alcohol in Motor Vehicle
A person commits an offense if he/she knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. "Open container" means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed. This is a Class C misdemeanor, punishable by a fine up to $500.

UNIVERSITY SANCTIONS

Students suspected or found in violation of University drug or alcohol rules and regulations will be notified in writing to appear for a hearing with a judicial affairs officer. Procedures for hearings are outlined in the Student Code of Conduct. A student found responsible for violating the rules and regulations will be subject to sanctions commensurate with the offenses and any aggravating and mitigating circumstances. Disciplinary actions in cases involving alcohol and drug-related violations result in sanctions up to and including suspension or expulsion from the University and referral for prosecution. Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by an off-campus authority. 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 community agencies.

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 physician, which will be used only in the manner, combination and quantity prescribed and which will only be used by the person for whom it is prescribed. Any employee whose off-duty 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 referred to an assistance program and may be subject to discipline (up to and including discharge) if he/she rejects participation in the program.

Employees whose work-related performance gives cause for reasonable suspicion of use or possession of
alcohol or a controlled substance may, at the discretion of appropriate University authorities, be subjected to testing for the substance in accordance with System Policy 34.02. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination. Any disciplinary action will be governed by the University and System policies on discipline and dismissal and on tenure. A record of the action will be placed in the employee’s personnel file.

As a condition of employment, employees on government grants or contracts must abide by the required notification statement 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 such conviction. The employer, in turn, must so 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. Such sanctions may take the form of personnel actions against such an employee, up to and including termination or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

Faculty members have the responsibility to supervise student activities on field trips. Faculty members should inform students that actions violating state laws, local regulations, and University rules regarding alcohol and drugs will not be permitted on any University field trip. Students who violate these guidelines regarding alcohol and drug use on field trips will be subject to disciplinary action.

**HEALTH RISKS**

Alcohol abuse can cause many health-related problems. Approximately 150,000 deaths annually are directly related to alcohol abuse and/or alcoholism. Alcohol abuse can lead to alcoholism, premature death through overdose, and complications involving the brain, heart, liver, and many other body organs. Alcohol abuse is the prime contributor to suicide, homicide, motor vehicle deaths, and other accidental causes of death. Alcohol abuse also causes liver disease, gastritis, and anemia. Alcohol abuse interferes with psychological functions, causes interpersonal difficulties, and is involved in many cases of child abuse. Alcohol abuse also disrupts occupational effectiveness and causes legal and financial problems. Alcohol used in any amount by a pregnant woman can cause birth defects.

The abuse of illicit drugs can result in a wide range of health problems. In general, illicit drug use can result in drug addiction, death by overdose, death from withdrawal, seizure, heart problems, infections (i.e., HIV/AIDS, hepatitis), liver disease, and chronic brain dysfunction. Other problems associated with illicit drug use include psychological dysfunction such as memory loss, thought disorders (i.e., hallucinations, paranoia, psychosis), and psychological dependency. Additional effects include occupational, social, and family problems as well as a reduction in motivation. Drug use by a pregnant woman may cause addiction or health complications in her unborn child.

**CAMPUS RESOURCES**

A&M-Corpus Christi offers a variety of programs to promote healthy lifestyles and substance-free alternatives. Students can become involved with the planning of drug and alcohol education programs by contacting the Division of Student Affairs at 825-2612.

**Annual Security Report** - This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by A&M-Corpus Christi; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters. Obtain a copy of this report by contacting the University Police Department 825-4444 or by accessing the following web site: [www.tamucc.edu/~students](http://www.tamucc.edu/~students).

**Employee Assistance Program** - The Employee Assistance Program (EAP) is designed to help A&M-Corpus Christi budgeted benefits eligible employees with personal problems, including alcohol and drug abuse. The EAP is completely confidential, and services are free. To contact the EAP call, 1-800-492-4357.

**I-ADAPT** - I-ADAPT (Islander’s Alcohol and Drug Abuse Prevention Team) is committed to promoting healthy choices among the A&M-Corpus Christi campus community in order to reduce the negative consequences of alcohol and drug use/abuse. For more information, call 825-2612.

**National Collegiate Alcohol Awareness** - Each year, I-ADAPT plans a variety of interactive and educational events during the month of October in conjunction with National Collegiate Alcohol Awareness Week. Call 825-2703 for more
University Counseling Center - The University Counseling Center offers students individual counseling, educational programming and support groups focused on alcohol and other drug use, abuse and addiction. An Alcohol Education Program for Minors is also available for minors cited/charged with alcohol related offenses (MIP, DUI, and Public Intoxication). For more information, call 825-2703 or visit our web site at http://counseling.tamucc.edu.

University Health Center - The University Health Center can provide information about the health risks of drug and alcohol abuse, as well as general medical care for students. For more information, call 825-2601.

University Police Department - The University Police Department educates the University community about drug and alcohol issues as well as enforces local, state and federal law. For more information, call 825-4444.