

# DAAPP

**DRUG AND  
ALCOHOL  
ABUSE  
PREVENTION  
PROGRAM**

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## Statement of Purpose

West Texas A&M University (WTAMU or WT) is dedicated to providing a safe, drug- and alcohol-free environment for students, employees, and visitors. The following Drug and Alcohol Abuse Prevention Program (DAAPP) will support West Texas A&M University's commitment to promoting and maintaining an alcohol and drug free university.

The Drug-Free Schools and Communities Act of 1989 (20 U.S.C. 1011i, 34 C.F.R. Part 86), requires that all colleges adopt and implement a drug and alcohol abuse prevention program (DAAPP) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on university premises or as part of its activities. The DAAPP must be and will be distributed annually to all students enrolled and all employees of WT.

The DAAPP must include:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on university property as part of any of university activities;
2. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
5. A clear statement that WTAMU will impose disciplinary sanctions on student and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct noted above.

This DAAPP is intended to comply with the requirements of the Drug-Free Schools and Communities Act of 1989 and applies to all students and employees of the institution. Questions about this DAAPP should be directed to The Office of Community Standards at (806) 651-2389 or via email to [studentconduct@wtamu.edu](mailto:studentconduct@wtamu.edu).

## Annual Notification

All enrolled students will be sent this policy each semester to ensure that all students enrolled for academic credit receive the DAAPP each year, as required.

Human Resources is responsible for ensuring distribution of this policy to all employees. Employees will be sent this policy via email in January of each year. Employees hired after the initial distribution of the DAAPP will be provided with this policy as part of the employees' new hire paperwork. Further, the Director of Human Resources also distributes this policy on a case-by-case basis as deemed necessary through the employee handbook. The Office of Community Standards is responsible for ensuring distribution of this policy to all enrolled students.

## Standards of Conduct

### University Alcohol and Drug Policies

All members of the university community are expected to abide by state and federal laws pertaining to controlled substances and illegal drugs. Texas A&M University Student Rule 24.4.12, Drugs prohibit “the act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances”.

“Controlled substances” refers to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under the Texas Controlled Substances Act, as well as substances which possess a chemical structure similar to that of a controlled substance (e.g., “designer drugs”).

With respect to students and student organizations, the Student Handbook specifically prohibits the following:

**Alcohol:** Use, consumption, possession, furnishing, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by university regulations), open containers, or public intoxication is prohibited. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.<sup>1</sup>

**Drugs:** Use, transmission, possession, or attempts to do any of these previous acts, or be under the influence of any controlled substance or dangerous drug as defined by law, abuse-able glue, aerosol paint, or any other volatile chemical substance for inhalation, performance-enhancing substance including steroids, any designer drug, or any intoxicant or mood-changing, mind-altering, or behavior-altering drug, is prohibited on University premises or off premises at a University-sponsored activity, function, or event. The transmittal, sale, or attempted sale of what is represented to be any of the before-listed substances shall also be prohibited under this policy.

**Illegal Substances/Drugs:** Use, possession, sale, manufacturing, or distribution of narcotics or other controlled substances except as expressly permitted by law. Any drugs and or paraphernalia found to be in the students’ possession will be considered to be the student’s possession whether or not he or she has purchased or furnished the items in question. Items confiscated will not be returned. Illegal substance use includes:

- a. Illegal or improper use of prescription medicines including steroids. All prescription medicines must be kept in their original bottle and must have a prescription from the doctor noted on the bottle.
- b. Possession of drug paraphernalia, including but not limited to: water pipes, scales, needles, clips, rolling papers, bongs, etc.; any device that may be associated with drug use, regardless of whether it is purchased or handmade, even as props for filming.

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<sup>1</sup> As provided by Alcoholic Beverage Code 106.16(b)-(c), “Notwithstanding any other law, a minor taste an alcoholic beverage if:

1. The minor is at least 18 years old and is enrolled:
  - a. As a student at a public institution of higher education that offers a program in culinary arts, viticulture, enology, or wine technology, brewing or malt beverage technology, or distilled spirits production or technology; and
  - b. In a course that is part of the program;
2. The beverage is tasted for educational purposes as part of the curriculum for the course described by item 1b;
3. The beverage is not purchased by the minor; and
4. The service and tasting of the beverage is supervised by a faculty or staff member who is at least 21 years of age.

A public institution of higher education is not required to hold a license or permit to engage in the activities authorized under this section.

- c. Legal substances used in an improper manner (e.g., ingesting a cleaning chemical, inhaling other chemical substances for the purpose of intoxication).

Other prohibited conduct, as well as detailed procedure outlining the process by which the institution will determine student/organization responsibility for alleged violation of university regulations is outlined in the Student Handbook available at: <https://www.wtamu.edu/studenthandbook>.

### Policies Applicable to Employees

The University prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace (i.e., on university owned or controlled property and during all workplace-related activities).

Employees are subject to the ethical standards set forth in the West Texas A&M University Employee Handbook. The rules of conduct indicate that the following alcohol and other drug offenses are prohibited and may result in immediate discharge:

- a. Conviction under a criminal drug statute or the illegal or unauthorized sale, purchase, transfer, use, or possession of alcohol or any dangerous controlled or illicit substance as defined by Texas law, on campus or at a university-sponsored or -sanctioned activity;
- b. Illegal or unauthorized sale, purchase, transfer, use, or possession of alcohol or drugs (narcotics, hallucinogens, stimulants) on university premises or while on university business;
- c. Being under the influence of alcohol or illegal drugs on the job or on university premises. The University has the right to require an appropriate test if an employee is suspected of being under the influence of drugs or alcohol and;
- d. Conviction of or pleading guilty to a felony or a drug-related offense.

The rule of conduct also note that any employee who is found guilty (including a plea of no contest) or has a sentence, fine, or other penalty (including jurisdiction) imposed by a court of competent jurisdiction under criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the University shall report such action to the associate general counsel within five days of the conviction.

Other notable policies that are applicable to employees include:

- 1. Employee standards of conduct searches and alcohol/drug testing.
- 2. Employee welfare.
- 3. Employee Standards of Conduct Searches and Alcohol Drug Testing.
- 4. Education role, mission, purpose, and responsibility.

## Local, State and Federal Sanctions

Students and employees who violate the standards of conduct outlined in the DAAPP are subject to both institutional sanctions (as outlined in Section V) as well as legal sanctions provided under local, state and federal law. Pertinent criminal sanctions for unlawful possession or distribution of illicit drugs and alcohol are outlined below.

Students and employees are cautioned that convictions for drug and alcohol violations may prevent individuals from entering many fields of employment and make them ineligible for federal grants and loans. For example, if a student is convicted of a drug-related felony or misdemeanor that took place while the student was receiving federal student aid, the student will become ineligible to receive further aid for a specified period of time upon conviction.

### State Laws

**Public Intoxication:** A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another. (Texas Penal Code 49.02). Punishable by a fine of up to \$500, and permanent criminal conviction. After two convictions, repeat offenders can be charged with a Class B Misdemeanor, facing up to 180 days in jail and a \$2,000 fine.

**Possession of Alcoholic Beverage in Motor Vehicle “Open Container”:** A person commits an offense if the person 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. Possession by a person of one or more open containers in a single criminal episode is a single offense. (Texas Penal Code 49.031). Class C Misdemeanor punished by a fine not to exceed \$500.

**Driving While Intoxicated:** A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. (Texas Penal Code 49.04). A person may also be convicted of offenses if intoxicated while driving with a child passenger in the vehicle, operating a plane, or boating. (Texas Penal Code 49.045-.06). Up to a 3<sup>rd</sup> Degree Felony – punishment includes imprisonment no less than 2 years and no more than 10 years and a fine of up to \$10,000.

**Administrative License Revocation; Implied Consent:** After being arrested for Driving While Intoxicated, failing or refusing the Blood Alcohol Concentration (BAC) test can result in license revocation. Driver’s license may be suspended for 180 days to 2 years. Revocation may not be probated and there is \$125 reinstatement fee. An appeal process is available.

**Intoxication Assault:** A person commits an offense if the person, by accident or mistake while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another. (Texas Penal Code 49.07). Third Degree Felony – punishment includes imprisonment no less than 2 years and no more than 10 years and a fine of up to \$10,000.

**Intoxication Manslaughter:** A person commit an offense if the person: (1) operates a motor vehicle in a public place, operates an aircraft, a watercraft, or an amusement ride, or assembles a mobile amusement ride; and (2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake. (Texas Penal Code 49.08). Second Degree Felony – punishment includes imprisonment no less than 2 years and no more than 20 years and a fine of up to \$10,000.

**Purchase of Alcohol by a Minor / Attempt to Purchase Alcohol by a Minor:** A minor commits an offense if the minor purchases or attempts to purchase an alcoholic beverage. (Texas Alcoholic Beverage Code 106.02-106.25). The offenses are punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

**Sale to Minors:** A person commits an offense if with criminal negligence they sell an alcoholic beverage to a minor. (Texas Alcoholic Beverage Code 106.03). The offense is a Class A Misdemeanor punishable by a fine of up to \$4,000; confinement in jail for a term not to exceed 1 year; or both the fine and confinement.

**Consumption of Alcohol by a Minor:** A minor commits an offense if they consume an alcoholic beverage. (Texas Alcoholic Beverage Code 106.04). The offense is a Class C Misdemeanor punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

**Driving or Operating Watercraft Under the Influence of Alcohol by a Minor:** A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system. (Texas Alcoholic Beverage Code 106.041). The offense is a Class C Misdemeanor punishable by a fine of not less than \$500 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. In addition, the court shall order community service to be performed.

**Possession of Alcohol by a Minor:** A minor commits an offense if they possess an alcoholic beverage. (Texas Alcoholic Beverage Code 106.05). The offense is a Class C Misdemeanor punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

**Purchase of Alcohol for a Minor – Furnishing Alcohol to a Minor:** A person commits an offense if they purchase an alcoholic beverage for or gives or makes available an alcoholic beverage to a minor with criminal negligence. (Texas Alcoholic Beverage Code 106.06). The offense is a Class A Misdemeanor punishable by a fine of up to \$4,000; confinement in jail for a term not to exceed 1 year; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

**Misrepresentation of Age by a Minor:** A minor commits an offense if they falsely state that they are 21 years of age, or older, or present any document that indicates they are 21 years of age, or older to a person engaged in selling or serving alcohol beverages. (Texas Alcoholic Beverage Code 106.07). The offense is a Class C Misdemeanor punishable by a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 day; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

**Possession of a Controlled Substance:** A person commits an offense if the person knowingly or intentionally possesses a material, compound, mixture, or preparation containing the controlled substance, which are divided into Penalty Groups 1 through 4. (Texas Health and Safety Code – Health and Safety Code 481.101-481.106).

Punishable up to a Felony of the 1<sup>st</sup> Degree with imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000.

**Penalty Group 2 – Possession of THC (Marijuana) in Vape Pens, Wax, Dab, etc.**

- Less than 1 gram: State Jail Felony (6 months – 2 years in state jail, and a fine up to \$10,000).
- 1 to 4 grams: 3<sup>rd</sup> Degree Felony (2 – 10 years in state prison, and a fine up to \$10,000).
- 4 to 400 grams: 2<sup>nd</sup> Degree Felony (2 – 20 years in state prison, and a fine up to \$10,000).
- More than 400 grams: 1<sup>st</sup> Degree Felony (5 to 99 years or life in state prison, and a fine not to exceed \$50,000).

**Manufacture, Delivery, or Possession of Miscellaneous Substances:** The manufacture, delivery, or possession of a controlled substance (as defined by the Texas Controlled Substances Act). Punishable by prison time up to 2 to 10 years and a fine of up to \$10,000. (Texas Health and Safety Code 481.119).

**Delivery of Marijuana:** A person commits an offense if the person knowingly or intentionally delivers marijuana. Such an offense is punishable by a fine up to \$100,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.120).

**Possession of Marijuana:** A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana. This offense is punishable by a Class B misdemeanor if the amount of marijuana possessed is two ounces or less; a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days; or both such fine and confinement. With punishment up to a felony of the second degree if the amount of marijuana possessed is 2,000 pounds or less but more than 50 pounds; with imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000. (Tex. Health & Safety Code 481.121).

**Delivery of Controlled Substance or Marijuana to Child:** A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 (of the Texas Controlled Substances Act) or knowingly delivers marijuana and the person delivers the controlled substance or marijuana to a person who is a child or who is enrolled in a public or private primary or secondary school. This offense is punishable as a felony in the second degree. Punishable by a range from 2 to 20 years in prison and a maximum fine of up to \$10,000. (Tex. Health & Safety Code 481.122).

**Possession or Delivery of Drug Paraphernalia:** Section (a) A person commits an offense if the person knowingly or intentionally uses or possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance; or Section (b) A person commits an offense if the person knowingly or intentionally delivers, possesses with intent to deliver, or manufactures with intent to deliver drug paraphernalia knowing that the person who receives or who is intended to receive the drug paraphernalia intends that it be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale or otherwise introduce into the human body a controlled substance; or Section © A person commits an offense if the person commits an offense under Subsection (b), is 18 years of age or older, and the person who receives or who is intended to receive the drug paraphernalia is younger than 18 years of age and at least three years younger than the actor (Tex. Health & Safety Code 481.125). An offense under Subsection (a) is a Class C Misdemeanor, punishable of up to no more than \$500 with no jail time. An offense under Subsection

(b) is a Class A Misdemeanor, punishable of up to a year in county jail and/or a fine of up to \$4,000, unless it is shown on the trial of a defendant that the defendant has previously been convicted under Subsection (b) or ( c), in which even the offense is punishable by confinement in jail for a term of not more than one year or less than 90 days. An offense under Subsection (c ) is a state jail felony, punishment of jail time of at least 180 days and no more than two years, and a fine which cannot surpass \$2,000.

**Drug Free Zone:** Drug related offenses have increased penalties if the offense occurs in a “drug free zone”. Drug free zones include institutions of higher education, youth centers, schools (and other facilities) and the areas surrounding such locations. Penalties include fines that may be doubled and minimum jail terms that may be raised. (Tex. Health & Safety Code 481.134).

For more information about the impact of drug-related convictions on federal student aid, visit:  
<https://studentaid.gov/understand-aid/eligibility/requirements/criminal-convictions#drug-convictions>.

Additional information on this topic can be found at:  
<https://obamawhitehouse.archives.gov/sites/default/files/ondcp/recovery/fafsa.pdf>.

### Local Sanctions

West Texas A&M University is in Canyon, Texas.

**Sec. 96.01 Alcoholic Beverages in City Park or City-Owned Building:** (A) The possession or consumption of alcohol is prohibited in city parks in city parks or buildings except as permitted in sections 98.13 and 98.15 of this code. Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

**Sec. 96.02 City Recreational Vehicle Park:** (D) The Director of Park Services for the city shall prepare and post a sign within the park advising those persons using the park of the rules relating to disruptive, destructive, or violent conduct, littering, operation of vehicles within the park; destruction of trees or shrubs within the park; public consumption of alcohol or other intoxicating substances within the park; limitation of stay within the park; regulations relating to animals allowed to roam at large; use of the dump stations; and any city ordinances pertaining to use of the property by visitors to the park. The Park rules shall be approved by the City Commission and may be revised as necessary. Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

**Sec. 98.13 Events with Alcohol:** (A) Any event providing for alcohol sales or consumption shall have a valid permit or license to sell or serve alcoholic beverages issued by the Texas Alcoholic Beverage Commission and shall follow all TABC rules and regulations associated with the permit. (B) At any such event the event sponsor shall designate an area for the use of members of the public who elect to bring their own beer or wine to the event and do not purchase beer or wine from the licensee. Members of the public of lawful age may bring beer or wine to special events provided that no glass containers are permitted, and no alcohol consumption is permitted in the city’s aquatic park or on playgrounds. Class C Misdemeanor, punishable of up to no more than \$500 with no jail time.

State Sanctions

Students and employees may face a variety of legal sanctions under Texas law for the unlawful possession or distribution of alcohol or illicit drugs. Applicable Texas Legal sanctions are summarized in the following table:

<b>Offenses Under Texas Law</b>	<b>Offense Punishments</b>	
	<b>Minimum</b>	<b>Maximum</b>
Manufacture or Delivery of Controlled Substances (drugs) Penalty Groups 1 – 4 Health & Safety Code Section 481.112-124	Jail term up to two years and fine up to \$10,000	Imprisonment for life and a fine up to \$250,000
Possession of Controlled Substances (drugs) Health & Safety Code (HSC) 481.115	Jail term not more than 180 days, a fine up to \$2,000, or both	Imprisonment for life and fine of up to \$250,000
Delivery of Marijuana Health & Safety Code (HSC) 481.121	Jail term not more than 180 days, a fine up to \$2,000, or both	Imprisonment for life and a fine up to \$100,000
Possession of Marijuana Health & Safety Code (HSC) 481.121	Jail term not more than 180 days, a fine up to \$2,000, or both	Imprisonment for life and a fine up to \$50,000
Driving While Intoxicated (includes intoxication from alcohol, drugs, or both) Penal Code (PC) 49.04	Jail term up to two years and a fine up to \$10,000	Imprisonment for life and a fine up to \$250,000
Public Intoxication Penal Code (PC) 49.02	A fine not to exceed \$500	Varies with age and number of offenses
Purchase of Alcohol by a Minor Alcohol Beverage Code (ABC) 106.02	A fine not to exceed \$500	At least eight hours of Community Service, a 30-day license suspension
Consumption or Possession of Alcohol by a Minor Alcohol Beverage Code (ABC) 106.5 Possession & Alcohol Beverage Code (ABC) 106.014 Consumption	A fine not to exceed \$500	Varies with number of offenses, at least eight hours of Community Service, 30-day license suspension, Mandatory Alcohol Awareness classes
Purchase or Furnish Alcohol to a Minor Alcohol Beverage Code (ABC) 106.06	A fine not to exceed \$4,000 or confinement	Class A Misdemeanor, community service not less than 20 hours or more than 40, suspension of license for 180 days
Manufacture or delivery of controlled substances (drugs)	Jail term up to two years and a fine up to \$10,000	Imprisonment for life and a fine up to \$250,000
Possession of controlled substances (drugs)	Jail term not more than 180 days, a fine up to \$2,000, or both	Imprisonment for life and a fine up to \$50,000
Delivery of marijuana	Jail term not more than 180 days, a fine up to \$2,000, or both	Imprisonment for life and a fine up to \$50,000
Possession of marijuana	Jail term not more than 180 days, a fine up to \$2,000, or both	Imprisonment for life and a fine up to \$50,000
Driving will intoxicated (includes intoxication from alcohol, drugs, or both)	License suspension of at least 60 days. Jail term not more than 180 days and a fine up to \$2,000	Imprisonment up to 10 years and a fine up to \$10,000

Offenses Under Texas Law	Offense Punishments	
Type of Offense	Minimum	Maximum
Public Intoxication	A fine not to exceed \$500	Varies with age and number of offenses
Purchase of alcohol by a minor	A fine not to exceed \$500	Varies with number of offenses, at least eight hours of Community Service, 30-day license suspension
Consumption or possession of alcohol by a minor	A fine not to exceed \$500	Varies with number of offenses, at least eight hours of Community Service, 30-day license suspension, Mandatory Alcohol Awareness classes
Providing alcohol to a minor	A fine not to exceed \$4,000 or confinement in jail for not more than one year, or both	If binge drinking involved: Driver's License Suspension for 180 days, 20-40 hours of Community Service, Alcohol Awareness Class
<p>Note: Penalties may be enhanced for prior offenses and/or offenses within 1,000 ft. of a public university. Enhancement means that whatever the level of the committed offense it can be increased by one category level based on the individual's criminal history. The age of the offender means that the offense can have different punishment levels based on the offender's age at the time of the offense. If under age 21 different punishment levels apply for public intoxication.</p>		

### Federal Sanctions

The federal Controlled Substances Act makes it unlawful for a person to knowingly or intentionally manufacture, distribute, or dispense a controlled substance or counterfeit substance. It is also unlawful to possess with the intent to manufacture, distribute, or dispense a controlled substance or counterfeit substance.

The law also makes it unlawful for any person to knowingly or intentionally possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or as otherwise permitted by law.

There are strict penalties for violating the Controlled Substances Act, including mandatory prison terms for many offenses. The following information, although not exhaustive, provides an overview of federal penalties for certain drug-related convictions related to the illegal possession or distribution of controlled substances.

### ***Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance***

#### Sentencing Provisions

- 1<sup>st</sup> conviction: Up to 1-year imprisonment and fined at least \$1,000, or both. 21 U.S.C. 844(a).
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, or both. 21 U.S.C. 844(a).
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000, or both. 21 U.S.C. 844(a).

- 21 U.S.C. 844a further provides a civil penalty of up to \$10,000 upon a defendant's first conviction of possession of small amounts of any controlled substances listed in 21 U.S.C. 841(b)(1)(A).

#### Forfeitures

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. 21 U.S.C. 853(a)(2) and 881(a)(7).
- Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance. 21 U.S.C. 881(a)(4).

#### Denial of Federal Benefits

- Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second subsequent offenses. 21 U.S.C. 922(g).

#### Miscellaneous

- Ineligible to receive or purchase a firearm. 19 U.S.C. 922(g).

The federal Controlled Substance Act also establishes federal penalties and sanctions for illegal trafficking of a controlled substance. A summary of this information is available online at:

[https://www.dea.gov/sites/default/files/2018-06/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf#page=30) and included as Appendix I. A separate summary of penalties and sanctions pertaining to Marijuana, also available online at the aforementioned link, is included as Appendix 2 to this DAAPP.

Of special note, 21 U.S.C. 860 provides that anyone convicted of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private college, junior college, or College/University is subject to twice the maximum punishment authorized by 21 U.S.C. 841(b), pertinent parts of which are summarized in the tables included in Appendix 2.

## **International Students**

Additional penalties and sanctions may apply for international students who are in the US on a visa. Pursuant to the Foreign Affairs Manual of the US Department of State (9 FAM 403.11-3(a)), a visa can be revoked when the international student "... is subject to a Watchlist Promote Hit for an arrest or conviction of driving under the influence, driving while intoxicated, or similar arrests/convictions (DUI) that occurred within the previous five years, pursuant to 9 FAM 403.11-5(B)(c)." DACA and undocumented students may experience dire consequences, such as revocation of DACA status or removal, for a violation of the law.

## Health Risks

### Health Risks Associated with Illicit Drug Use<sup>2</sup>

The Controlled Substances Act (CSA) places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. A description of each schedule is included below:

#### ***Schedule I***

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical use in treatment in the United States.
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.
- Examples of Schedule I substances include heroin, gamma hydroxybutyric acid (GHB), lysergic acid diethylamide (LSD), marijuana, and methaqualone.

Other prohibited conduct, as well as detailed procedures outlining the process by which the institution will determine student/organization responsibility for alleged violations of university regulations is outlined in the Student Handbook, available at: <https://www.wtamu.edu/studenthandbook>

#### ***Schedule II***

- The drug or other substance has a high potential for abuse.
- The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- Abuse of the drug or other substance may lead to severe psychological or physical dependence.
- Examples of Schedule II substances include morphine, phencyclidine (PCP), cocaine, methadone, hydrocodone, fentanyl, and methamphetamine.

#### ***Schedule III***

- The drug or other substance has less potential for abuse than the drugs or other substances in Schedules I and II.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.
- Anabolic steroids, codeine, and hydrocodone products with aspirin or Tylenol®, and some barbiturates of Schedule III.

#### ***Schedule IV***

- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
- The drug or other substance has a currently accepted medical use in treatment in the United States.

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<sup>2</sup> The information in this section is taken from the U.S. Department of Justice's 2017 publication of "Drugs of Abuse". Students and employees are strongly encouraged to review this publication for more detailed information regarding the health risks associated with alcohol and illicit drug use and abuse. The full publication is available online at: <https://www.dea.gov/press-releases/2020/04/14/dea-releases-2020-drugs-abuse-resource-guide>.

- Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
- Examples of drugs included in Schedule IV are alprazolam, clonazepam, and diazepam.

#### ***Schedule V***

- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substances may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.
- Cough medicines with codeine are examples of Schedule V drugs.

### **The Controlled Substances Act (CSA):**

The Controlled Substances Act (CSA) regulates five classes of drugs:

- Narcotics,
- Depressants,
- Stimulants,
- Hallucinogens, and
- Anabolic steroids

Each class has distinguishing properties, and drugs within each class often produce similar effects. However, all controlled substances, regardless of class, share a number of common features. All controlled substances have abuse potential or are immediate precursors to substances with abuse potential. With the exception of anabolic steroids, controlled substances are abused to alter mood, thought, and feeling through their actions on the central nervous system (brain and spinal cord). Some of these drugs alleviate pain, anxiety, or depression. Some induce sleep and others energize. Though some controlled substances are therapeutically useful, the “feel good” effects of these drugs contribute to their abuse. The extent to which a substance is reliable, capable of producing intensely pleasurable feelings (euphoria) increases the likelihood of that substance being abused.

The following chart summarizes each class’s legal status, effects on the mind, effects on the body, and effectors of overdose.

#### **Narcotics/Opioids**

Narcotics block the feeling of pain. This class of drugs includes the prescription drugs: hydrocodone (Vicodin®), oxycodone (OxyContin®, Percocet®), oxymorphone (Opana®), morphine (Kadian®, Avinza®), codeine, and fentanyl.

#### ***Legal Status in the United States***

Narcotics/opioids are controlled substances that vary from Schedule I to Schedule V, depending on their medical usefulness, abuse potential, safety, and drug dependence profile. Schedule I narcotics, like heroin, have no medical use in the U.S. and are illegal to distribute, purchase, or use outside of medical research.

#### ***Effects on the Mind***

Besides their medical use, narcotics/opioids produce a general sense of well-being by reducing tension, anxiety, and aggression. These effects are helpful in a therapeutic setting but contribute to the drugs' abuse. Narcotic/opioid use comes with a variety of unwanted effects, including drowsiness, inability to concentrate, and apathy. Use can create psychological dependence. Long after the physical need for the drug has passed, the addict may continue to think and talk about using drugs and feel overwhelmed coping with daily activities. Relapse is common if there are not changes to the physical environment or the behavioral motivators that prompted the abuse in the first place.

### ***Effects on the Body***

Narcotics/opioids are prescribed by doctors to treat pain, suppress cough, cure diarrhea, and put people to sleep. Effects depend heavily to the drug. Negative effects include: Slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing.

As the dose is increased, both the pain relief and the harmful effects become more pronounced. Some of these preparations are so potent that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech.

Physical dependence is a consequence of chronic opioid use, and withdrawal takes place when drug use is discontinued. The intensity and character of the physical symptoms experienced during withdrawal are directly related to the particular drug used, the total daily dose, the interval between doses, the duration of use and the health and personality of the user.

### ***The Effects of Overdose***

Overdoses of narcotics are not uncommon and can be fatal. Physical signs of narcotics/opioid overdose include: Constricted (pinpoint) pupils, cold clammy skin, confusion, convulsions, extreme drowsiness, and slowed breathing.

### **Stimulants**

Stimulants speed up the body's systems. This class of drugs includes: Prescription drugs such as amphet.

### ***Legal Status in the United States***

A number of stimulants have no medical use in the United States but have a high potential for abuse. These stimulants are controlled in Schedule I. Some prescription stimulants are not controlled, and some stimulants like tobacco and caffeine don't require a prescription – though society's recognition of their adverse effects has resulted in a proliferation of caffeine-free products and efforts to discourage cigarette smoking.

Stimulant chemicals in over-the-counter products, such as ephedrine and pseudo-ephedrine can be found in allergy and cold medicine. As required by The Combat Methamphetamine Epidemic Act of 2005, a retail outlet must store these products out of reach of customers, either behind the counter or in a locked cabinet. Regulated sellers are required to maintain a written or electronic form of a logbook to record sales of these products. To purchase these products, customers must now show a photo identification issued by a state or federal government. They are also required to write or enter into the

logbook: their name, signature, address, date, and time of sale. In addition to the above, there are daily and monthly sales limits set for customers.

### ***Effects on the Mind***

When used as drugs of abuse and not under a doctor’s supervision, stimulants are frequently taken to: Produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for pro longed period, and “get high”.

Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur.

Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly and psychological dependence occurs. In fact, the strongest psychological dependence observed occurs with the more potent stimulants, such as amphetamine, methylphenidate, methamphetamine, cocaine, and methcathinone.

Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a “crash”.

### ***Effects on the Body***

Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of appetite. These effects are greatly intensified when large doses of stimulants are taken.

Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as: Dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.

### ***The Effects of Overdose***

In overdose, unless there is medical intervention, high fever, convulsions, and cardiovascular collapse may precede death. Because accidental death is partially due to the effects of stimulants on the body’s cardiovascular and temperature-regulating systems, physical exertion increases the hazards of stimulant use.

### **Depressants**

Depressants will put you to sleep, relieve anxiety, muscle spasms, and prevent seizures. Barbiturates are older drugs and include butalbital (Fiorina®), phenobarbital, Pentothal®, Seconal®, and Nembutal®. You can rapidly develop dependence on the tolerance of barbiturates, meaning you need more and more of them to feel and function normally. This makes them unsafe, increasing the likelihood of coma or death. Benzodiazepines were developed to replace barbiturates, though they still share many of the undesirable side effects. Some examples are Valium®, Xanax®, Halcion®, Ativan®, and Sonanta® are

sedative-hypnotic medications approved for the short-term treatment of insomnia that share many of the properties of benzodiazepines. Other CNS depressants include meprobamate, methaqualone (Quaalude®), and the illicit drug GHB.

### ***Legal Status in the United States***

Most depressants are controlled substances that range from Schedule I to Schedule IV under the Controlled Substances Act, depending on their risk for abuse and whether they currently have an accepted medical use. Many of the depressants have FDA-approved medical uses. Rohypnol® is not manufactured or legally marketed in the United States.

### ***Effects on the Mind***

Depressants used therapeutically do what they are prescribed for: to put you to sleep, relieve anxiety and muscle spasms, and prevent seizures. They also: Cause amnesia, leaving no memory of events that occur while under the influence, reduce your reaction time, impair mental functioning and judgement, and cause confusion. Long-term use of depressants produces psychological dependence and tolerance.

### ***Effects on the Body***

Some depressants can relax the muscles. Unwanted physical effects include: Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing.

Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

### ***The Effects of Overdose***

High doses of depressants or use of them with alcohol or other drugs can slow heart rate and breathing enough to cause death.

### **Hallucinogens**

Hallucinogens are found in plants and fungi or are synthetically produced and are among the oldest known group of drugs used for their ability to alter human perception and mood.

Hallucinogens include:

- Ecstasy/MDMA
- K2/Spice
- Ketamine
- LSD
- Peyote & Mescaline
- Psilocybin

- Marijuana/Cannabis (addressed as its own class in this table)

### ***Legal Status in the United States***

Many hallucinogens are Schedule I under the Controlled Substances Act, meaning that they have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.

### ***Effects on the Mind***

Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks – fragmentary recurrences of certain aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is unpredictable but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense.

### ***Effects on the Body***

Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils.

### ***The Effects of Overdose***

Deaths exclusively from acute overdose of LSD, magic mushrooms, and mescaline are extremely rare. Deaths generally occur due to suicide, accidents, and dangerous behavior, or due to the person inadvertently eating poisonous plant material. A severe overdose of PCP and ketamine can result in: respiratory depression, coma, convulsions, seizures, and death due to respiratory arrest.

### **Marijuana/Cannabis**

Marijuana is classified in the Controlled Substances Act as a hallucinogen. Marijuana is a mind-altering (psychoactive) drug, produced by the Cannabis sativa plant. Marijuana contains over 480 constituents. THC (delta-9-tetrahydrocannabinol) is believed to be the main ingredient that produces the psychoactive effect.

### ***Legal Status in the United States***

Marijuana is a Schedule I substance under the Controlled Substances Act, meaning that it has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.

Marinol, a synthetic version of THC, the active ingredient found in the marijuana plant, can be prescribed for the control of nausea and vomiting caused by chemotherapeutic agents used in the treatment of cancer and to stimulate appetite in AIDS patients. Marinol is a Schedule III substance under the Controlled Substances Act.

### ***Effects on the Mind***

When marijuana is smoked, the THC passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cells. Many of these receptors are found in the parts of the brain that influence: pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include: problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination. The effects of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities). Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence. Clinical studies show that the physiological, psychological, and behavioral effects of marijuana vary among individuals and present a list of common responses to cannabinoids, as described in the scientific literature:

- Dizziness, nausea, tachycardia, facial flushing, dry mouth and tremor initially.
- Merriment, happiness, and even exhilaration at high doses.
- Disinhibition, relaxation, increased sociability, and talkativeness.
- Enhanced sensory perception, giving rise to increased appreciation of music, art, and touch.
- Heightened imagination leading to a subjective sense of increased creativity.
- Time distortions.
- Illusions, delusions, and hallucinations are rare except at high doses.
- Impaired judgement, reduced coordination, and ataxia, which can impede driving ability or lead to an increase in risk taking behavior.
- Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in experienced users or in those who have taken a large dose.
- Increased appetite and short-term memory impairment are common.
- Researchers have also found an association between marijuana use and an increased association between marijuana use and an increased risk of depression, an increased risk and earlier onset of schizophrenia, and other psychotic disorders, especially for teens that have a genetic predisposition.

### ***Effects on the Body***

Short-term physical effects from marijuana use may include: sedation, blood shot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Like tobacco smokers, marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Because marijuana contains toxins and carcinogens, marijuana smokers increase their risk of cancer of the head, neck, lungs, and respiratory tract. Withdrawal symptoms also include behavioral signs such as: restlessness, irritability, sleep difficulties, and decreased appetite.

### ***The Effects of Overdose***

No death from overdose of marijuana has been reported.

### **Steroids**

Anabolic steroids are synthetically produced variants of the naturally occurring male hormone testosterone that are abused in an attempt to promote muscle growth, enhance athletic or other physical performance, and

improve physical appearance. Testosterone, nandrolone, stanozolol, methandienone, and boldenone are some of the most frequently abused anabolic steroids.

### ***Legal Status in the United States***

Anabolic steroids are Schedule III substances under the Controlled Substances Act. Only a small number of anabolic steroids are approved for either human or veterinary use. Steroids may be prescribed by a licensed physician for the treatment of testosterone deficiency, delayed puberty, low red blood cell count, breast cancer, and tissue wasting resulting from AIDS.

### ***Effects on the Body***

A wide range of adverse effects are associated with the use or abuse of anabolic steroids. These effects depend on several factors, including: age, sex, the anabolic steroids used, amount used, and duration of use.

In adolescents, anabolic steroid use can stunt the ultimate height that an individual achieves.

In boys, steroid use can cause early sexual development, acne, and stunted growth.

In adolescent girls and women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris.

In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer.

In both men and women, anabolic steroid use can cause high cholesterol levels, which may increase the risk of coronary artery disease, strokes, and heart attacks. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver.

Abusers who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis B or C, and bacterial infections at the sight of injection. Abusers may also develop endocarditis, inflammation of the heart lining.

### ***The Effects of Overdose***

Anabolic steroids are not associated with overdoses. The adverse effects a user would experience develop from the use of steroids over time.

### **Health Risks Associated with Alcohol Abuse**

The consequences associated with alcohol abuse among college students are far reaching. According to the National Institute on Alcohol Abuse and Alcoholism, “Students who engage in risky drinking may experience blackouts (i.e., memory loss during periods of heavy drinking); fatal and nonfatal injuries; including falls, drownings, and automobile crashes; illnesses; missed classes; unprotected sex that could lead to a sexually transmitted disease or an unwanted pregnancy; falling grades and academic failure; an arrest record; accidental

death; and death by suicide. In addition, students who drink to excess may miss opportunities to participate in the social, athletic, and cultural activities that are part of college life”.<sup>3</sup>

The risks are not just limited to students. The Centers for Disease Control and Prevention identifies the following short-term and long-term health risks related to alcohol use and abuse.<sup>4</sup>

### **Short Term Health Risks**

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

### **Long Term Health Risks**

Over time, excessive alcohol use can lead to development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence, or alcoholism.

### **Educational Consequences of Alcohol and Other Drug Abuse**

There are numerous educational consequences associated with alcohol and other drug abuse. About 25 percent of college students report academic consequences of their drinking, including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades.<sup>5</sup> A post-college study found binge drinking in college to be associated with academic attrition, early departure from college, and lower earnings in post-college employment.<sup>6</sup> Additionally, a study found that college students who used marijuana were more likely to put themselves in physical danger when under the influence, experience concentration problems, and miss class.<sup>7</sup>

“Substance misuse among college students has frequent and severe negative consequences. These consequences include violent and sometimes fatal effects. Much of the research on the consequences of college student

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<sup>3</sup> Taken from: [http://www.collegedrinkingprevention.gov/niaacollegematerials/panel01/highrisk\\_04.aspx](http://www.collegedrinkingprevention.gov/niaacollegematerials/panel01/highrisk_04.aspx)

<sup>4</sup> These health risks have been reproduced verbatim from the CDC’s “Fact Sheets-Alcohol Use and Your Health” which is available here: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.html>

<sup>5</sup> National Institute of Health, National Institute on Alcohol Abuse and Alcoholism (2010).

<sup>6</sup> Jennison, K. M. (2004). The short-term effects and unintended long consequences of binge drinking in college: A 10-year follow-up study. *The American Journal of Drug and Alcohol Abuse*, 30(3), 659-684.

<sup>7</sup> Sullivan, M., & Risler, E. (2002). Understanding college alcohol abuse and academic performance: Selecting appropriate intervention strategies. *Journal of College Counseling*, 5(2), 114-124.

substance misuse focuses on alcohol. A 2009 estimate of annual immediate physical harm as a result of alcohol use among college students aged 18 to 24 included 1,825 deaths, 599,000 unintentional injuries, and 696,000 students assaulted by another student who had been drinking. While most injury and death among college students is unintentional, some students consider taking their own lives and some of them attempt it. Studies show a strong connection between suicidal behavior and substance use in both the college and general populations. Substance use also can damage students' health. Consequences of excessive drinking include sleep issues and depression. Substance use among college students also often progresses to the level of a disorder. In 2015, one in seven full-time college students aged 18 to 24 (14.6 percent) met the criteria for past year had a substance use disorder. Substance use disorders cause significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.

Alcohol use also plays a large role in sex-related harm among college students. College students are more likely to engage in unprotected sex when drunk or high and are more likely to engage in sexual activity with someone they just met. In a study of undergraduates, 42 percent reported engaging in unplanned sexual activity in the past year as a result of their alcohol use.

Each year, an estimated 97,000 college students are victims of alcohol-related sexual assault that includes rape as well as forced touching or kissing. Sexual assault often is linked to substance use by victims and perpetrators. Students who misuse alcohol or use illicit drugs are also more likely than students who abstain to have difficulty meeting academic responsibilities. Consequences of college substance use including falling behind in studies, getting poor grades, and dropping out. More broadly, the impact of substance misuse on students' academic performance undermines the very purpose of higher education and the financial sacrifices families make for it. College substance use may bring disciplinary penalties imposed by schools. In addition to non-punitive actions such as substance misuse education, counseling, and treatment, students may be subject to disciplinary action, including suspension and expulsion from the college. Such actions may be based on substance use or on other violations of university standards, such as damaging property and causing or threatening physical harm. Moreover, substance use often has legal consequences. Students may be arrested for alcohol and drug violations, fighting, and damaging property. Finally, substance-using college students often diminish the quality of campus life for other students, many of whom report having personal property damaged and destroyed because of intoxicated students.”<sup>8</sup>

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<sup>8</sup> Taken verbatim from <https://store.samhsa.gov/product/Behavioral-Health-Among-College-Students-Information-and-Resource-Kit/SMA19-5052>. Internal citations omitted.

## Alcohol and Other Drug Resources for Students

### Students

WTAMU campus employs counselors and mental health professionals to provide confidential short-term assistance for current students experiencing personal concerns, career decisions, and issues which may be interfering with academic success including anxiety, depression, and substance abuse. For our military veterans, we also have a group of dedicated counselors to help provide guidance. Referral to community resources is often part of the counseling process if assistance is needed after WTAMU counseling sessions.

### Employees

Confidential drug and alcohol assistance for full-time employees is available through MyEvive (me), WTAMU's employee assistance program (EAP) provider.

EAP is a work-based intervention program that helps resolve personal problems that may be affecting on-the-job performance. This is a confidential service available at no cost to full-time employees and their families, including dependents, under age 25, and any household member, regardless of age or relationship, residing in the employee's home.

Services provided by EAP include short-term counseling and legal and financial consultation. There are unlimited call-in and referrals to community resources to help employees with life situations that could be potentially disturbing to their balance and well-being.

In areas of short-term counseling, services include:

- A set amount of session per year per employee and each family member.
- Martial, family, drug and alcohol abuse-related problems.
- Legal and financial problems.
- Stress and emotional problems.
- Supervisory referrals for workplace concerns.

In areas of referrals, services include childcare, eldercare, prenatal care, adoption, parenting and children with special needs.

In areas of legality, services include consultation with licensed attorneys, certified public accountants, senior financial advisors, and online law library.

Also note if employees are laid-off or terminated, they can continue to use EAP benefits up to six months after the day of termination.

### Students and Employees

Students and employees are encouraged to access the Substance Abuse and Mental Health Services Administration (SAMHSA) Treatment Locator, a confidential and anonymous source of information for persons seeking treatment facilitates in the United States or U.S. Territories for substance abuse/addiction and/or mental health problems. To access this resource, visit: <https://findtreatment.samsha.gov/locator/home>. Students and employees seeking information regarding Self-Help, Peer Support, and Consumer Groups related to addiction

(such as Alcoholics Anonymous, Narcotics Anonymous, Marijuana Anonymous, and others) are encouraged to visit: <https://findtreatment.samhsa.gov/>.

Students and employees can also contact the WTAMU Behavioral Intervention Team, which is designed to support students who may be experiencing mental hardships, or Student Counseling Services at 806-651-2340. More information can be found at: <https://www.wtamu.edu/student-support/counseling-services/community-counseling-resources.html>.

Students and employees may also visit <https://www.texaspanhandlecenters.org/> to access information regarding clinical services and other resources provided by the Texas Panhandle Center which is the panhandle's largest non-residential non-profit organization and dedicated to the prevention, intervention, and treatment of alcohol, substance use disorder, and behavioral health issues.

Additionally, community-based and campus-specific resources are listed on next page.

<b>On Campus Resources</b>		
University Police Department	Old Sub 102	806-651-2300
UPD Victim Assistance	Old Sub 106	806-651-2307
Student Counseling Services	Classroom Center 116	806-651-2340
Office of Community Standards	JBK Suite 102H	806-651-2389
Student Medical Services	Virgil Henson Activities Center	806-651-3287
Human Resources	Old Main 116	806-651-2441
The Work/Life Solutions Program by GuidanceResources	<a href="http://www.wtamu.edu/HR">www.wtamu.edu/HR</a>	1-866-301-9623
UPD Escort Service	Old Sub 102	806-651-2300
International Student Office	JBK Student Center 133N	806-651-2073
Civil Rights and Title IX Director	Old Sub 102	806-651-3199
Scholarships Services	<a href="https://www.wtamu.edu/student-support/scholarships/index.html">https://www.wtamu.edu/student-support/scholarships/index.html</a>	806-651-3330
Buff Allies	<a href="http://www.wtamu.edu/buffallies">www.wtamu.edu/buffallies</a>	
Military and Veteran Services	Classroom Center 115C and 115D	806-651-4930
Office of Engaged Citizenship	Classroom Center 133G	806-651-8480

<b>Off Campus Resources</b>		
Canyon Police Department	301 16 <sup>th</sup> Street #3, Canyon	806-655-5000
Randall County Sheriff's Department	9100 S. Georgia Street, Amarillo	806-468-5800
Amarillo Police Department	200 SE 3 <sup>rd</sup> Ave, Amarillo	806-378-3038
Potter County Sheriff's Office	13103 NE 29 <sup>th</sup> Ave, Amarillo	806-379-2900
Northwest Texas Hospital	1501 S. Coulter St., Amarillo	806-354-1000
BSA Health System	1600 Wallace Blvd. Amarillo	806-212-2000
Domestic Violence/Sexual Assault Hotline	Bilingual 806-374-5433	844-363-3452
Family Support Services	Amarillo	806-342-2500

## Disciplinary Sanctions

The University will impose sanctions on students and employees for violations of the standards of conduct included in Section I (consistent with local, state, and federal law). As noted below, such sanctions may include, but are not limited to, expulsion (for students), termination of employment (for employees), and/or referral for prosecution.

### Student Sanctions

The following disciplinary sanctions may be imposed upon any alleged student or recognized student organization found to be in violation of university policy or engaged in misconduct, including misconduct pertaining to alcohol or other drugs. All disciplinary sanctions are cumulative, and the previous conduct history of the student, or recognized student organization, shall be considered when issuing a disciplinary sanction. Disciplinary sanctions are also subject to enhancement based on the severity of the behavior and the impact on the University community. More than one disciplinary sanction can be imposed for any single violation.

1. **Reprimand:** A written notice given to a student, or recognized student organization, explaining that the student or organization has engaged in misconduct, or violated College District policy, or institutional regulations. Repeated incidents of misconduct or violations of university policy, or institutional regulations, can result in more severe disciplinary action.
2. **Restitution:** Reimbursement for damage to, or misuse of property. Reimbursement may take the form of appropriate service to repair, or otherwise compensate for damage.
3. **Probation:** A period of time during which the student's conduct will be under review. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions including suspension or expulsion, if the student, or recognized student organization, is found to have engaged in additional violations during the probationary period.
4. **Disciplinary Suspension:** Forced withdrawal from the University for either a definite period of time or until stated conditions have been met. Normally, suspension shall extend through a minimum of one regular long semester (with summer sessions not counting in the one-semester minimum time lapse). However, suspension may exceed the one-semester minimum.
5. **Deferred Suspension:** Establishes a fixed period of time allowing the student or recognized organization to complete the current academic term or semester. While the student is allowed to remain enrolled, a recognized student organization is not permitted to represent the University or participate in any extracurricular activities. The specifics of the Deferred Suspension shall vary based upon the violation and circumstances for each student or recognized student organization, shall include limiting participation in activities to those directly related to academic pursuits or the completion of academic requirements. This includes entering University buildings or attending University events. The University shall have the authority to impose additional conditions, restrictions or sanctions during a deferred suspension.
6. **Disciplinary Expulsion:** Permanent separation of the student or recognized student organization from the University.
7. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
8. **Administrative Withdrawal:** Removal from an academic or non-credit bearing course as a result of disruptive or insubordinate behavior.
9. **Educational Disciplinary Sanctions:** Work assignments, essays, service to the University or other related discretionary assignments. At his or her discretion, the campus president or vice president for Student Development Services shall have the authority to require that a student or recognized student

organization complete additional education assignments such as essays or research papers or perform services for the University.

10. **Revocation of Admission and/or Degree/Certificate:** The University shall have the authority to revoke a student's admission or a degree or certificate for fraud, misrepresentation, violation of degree or certificate standards or other serious violations of conduct.
11. **Withholding Degree/Certificate:** The College shall have the authority to withhold the awarding of a degree or certificate from a student who has otherwise earned the degree or certificate until the student has completed or satisfied all imposed disciplinary sanctions.
12. **No Trespass Order/CTW:** A student or recognized student organization suspended or expelled from the University shall be issued a No-Trespass order for the duration of the assigned sanction. Exceptions shall be made for suspensions, as noted above at items 5 and 6.
13. **No Contact Order:** The University shall have the authority to prohibit a student or recognized student organization from engaging in personal contact and all forms of communication with other members of the University community. This sanction shall be imposed primarily when such contact has the potential to lead to harassment, threats or other forms of unwanted interaction, or the University believes there is a reasonable likelihood of additional conduct violations by the student or recognized student organization.
14. **Withhold Official Records:** The University shall have the authority to block registration or withhold transcripts, grades, diplomas, or other official records if the action is reasonably necessary to preserve the University's ability to enforce disciplinary rules.

#### Employee Sanctions

The University prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace and will impose sanctions on employees who violate these prohibitions.

Sanctions assigned to employees who violate the DAAPP may vary depending on the severity and nature of the offense. Sanctions may include a combination of or one of the following for violation (See Appendix for full policies) of DAAA (LEGAL) DH (LOCAL), DH (LEGAL), DI (LOCAL), DIAA (LOCAL), DHR (LOCAL), FFDA (LOCAL):

- Personal and verbal counseling by supervisor.
- Write-up documenting the incident and warning that such infraction in the future will not be tolerated, and a future infraction may result in termination of employment.
- Suspension with and without pay.
- A mandatory referral to the Employee Assistance Program.
- A Performance Improvement Plan may be issued to the employee which is a developmental plan aimed at improving the employee's behavior, conduct, or performance with time frame to remediate the issue facing the employee.
- The University may not renew the contract of a faculty or staff member.
- The University may dismiss the employee.

## **VIII Appendices**

Appendix 1: Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Appendix 2: Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances

Appendix 3: Employee Standards of Conduct DH (LOCAL)

**Appendix 1: Federal Trafficking Penalties**

Drug/Schedule/Quantity	Penalties	Drug/Schedule/Quantity	Penalties
Cocaine (Schedule II) 500-4999 grams mixture	<p>First Offense: Not less 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an – individual.</p>	Cocaine (Schedule II) 5kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine or not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II) 28-279 grams mixture		Cocaine Base (Schedule II) 280 grams or more mixture	
Fentanyl (Schedule II) 40-399 grams mixture		Fentanyl (Schedule II) 400 grams or more mixture	
Fentanyl Analogue (Schedule I) 10-99 grams mixture		Fentanyl Analogue (Schedule I) 100 grams or more mixture	
Heroin (Schedule I) 100-999 grams mixture		Heroin (Schedule I) 1 kg or more mixture	
LSD (Schedule I) 1-9 grams mixture		LSD (Schedule I) 10 grams or more mixture	
Methamphetamine (Schedule II) 5-49 grams pure or 50-499 grams mixture		Methamphetamine (Schedule II) 50 grams or more mixture 500 grams or more mixture	
PCP (Schedule II) 10-99 grams pure or 100-999 grams mixture	PCP (Schedule II) 100 gm or more pure or 1 kg or more mixture		

Drug / Schedule	Quantity	Penalties
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual \$5 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million, if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not less than 15 yrs, or more than life. Fine not more than \$500,000 if an individual \$2.5 million if not an individual.  Second Offense: Not more than 20 yrs. If death or serious bodily injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any Amount	First Offense: Not more than 1 yrs. Fine not more than \$100,000 if an individual \$250,000 if not an individual.  Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

**Appendix 2: Federal Trafficking Penalties – Marijuana**

Drug	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. Or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual	Not less than 20 yrs. Or more than life. If death or serious injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. Or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual	Not less than 10 yrs., or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$575 million if other than an individual
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture  More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$1 million if an individual, \$5 million if other than an individual	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless or weight)  1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term or life without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.*

### **Appendix 3: Employee Standards of Conduct DH (LOCAL)**

#### Violations

Employees are subject to the ethical standards set forth below from West Texas A&M University. Employees shall comply with the ethical standards and rules of conduct set out in this policy and with any other policies, regulations, and guidelines may result in disciplinary action, including termination of employment. Nothing in this policy modifies the at-will status of non-contractual employees.

#### Code of Professional Ethics

In order to express the affirmation of the university's professional responsibilities more adequately, the employees of the university, with the full support of the Board, do adopt and hold ourselves and each other subject to the following Code of Professional Ethics:

Place the educational welfare and success of university students as the university's highest priority. Strive to help all students realize their full potential as scholars and as human beings.

Treat all persons with respect, dignity, and justice, not discrimination against anyone on an arbitrary basis such as race, color, sex, age, religion, national origin, or disability.

Refrain from any conduct deemed to be sexual harassment, racial harassment, or any other form of illegal harassment. Report immediately any violation through the chain of supervision.

Encourage and defend the unfettered pursuit of truth. Support the free exchange of ideas and observe the highest standards of academic honesty, integrity, scholarship, and tolerance of other viewpoints.

Recognize the necessity of many roles in the educational enterprise and work in such a manner as to enhance teamwork collegiality among students, faculty, administrators, and support staff.

Recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor than might damage, embarrass, or violate the privacy of any person unless required by law. This is not to indicate that persons of good judgment should not apprise university officials of legal or ethical violations of university policy.

Maintain competence through continued professional development. Demonstrate competence through preparation and performance, and seek to enhance that competence by requesting and accepting constructive criticism and evaluation.

Refrain from activities that may have a conflict of interest. Exercise the highest professional standards in the use of time and resources. Refrain from using professional position for the personal gain on campus or while working regularly assigned hours. Recognize the responsibility to the citizens and taxpayers of West Texas A&M University.

Fulfill the employment agreement both in spirit and in fact. Neither accept tasks for which we are not qualified nor assign tasks to unqualified persons.

Act in all affairs in such a manner as to bring credit to the institution. Known and support the goals, objectives, and ideals of the institution.

Observe the stated rules and regulations of the institution. Seek revision in a judicious manner.

Participate in the governance of the institution by accepting a fair share of committee and institutional responsibilities.

Support the right of due process for all.

Disapprove the continuation in higher education of an individual who is found, through due process, to be persistently unethical or professionally incompetent.

Accept all the rights and responsibilities of citizenship including participation in the formulation of public policy.

Refrain from any consensual relationship of an amorous or sexual nature between persons of authority, such as faculty or administrators, and their students or subordinates. Recognize that this behavior compromises the special trust between the university and the citizens it serves.

Every organization must have certain rules in order to operate smoothly and efficiently, to make cooperation with other employees easier, and to assist in properly respecting the rights and interests of each employee.

In most cases, such as poor work performance, minor infraction of university regulations, poor attendance, and the like, corrective action may be taken in an effort to enable the employee to become a more productive member of the university. If such action is not effective, the employee may be dismissed.

Examples of offenses that may warrant immediate discharge are as follows:

1. Refusal to carry out job duties or reasonable directives of the employee's supervisor.
2. Deliberate or reckless action that causes either actual or potential loss, damage, or physical injury to the university, its employees, students, or students' property.
3. Fighting or disorderly conduct on university premises.
4. Unauthorized disclosure of confidential or related material or information.
5. Misrepresentation, including falsification of reports or records.
6. Conviction under a criminal drug statute or the illegal or unauthorized sale, purchase, transfer, use, or possession of alcohol or any dangerous controlled or illicit substance as defined by Texas law, on campus or at a university-sponsored or –sanctioned activity.
7. Misappropriation of university funds or other assets.
8. Illegal or unauthorized sale, purchase, transfer, use, or possession of alcohol or drugs (narcotics, hallucinogens, stimulants) on university premises or while on university business.
9. Illegal or unauthorized possession of a weapon on university property.
10. Being under the influence of alcohol or illegal drugs on the job or on university premises. The university has the right to require an appropriate test if an employee is suspected of being under the influence of drugs or alcohol.
11. Failure to report absence from work.
12. Use of offensive or abusive language or conduct toward employees, students, or the public.
13. Conviction of or pleading guilty to a felony or a drug-related offense.

The offenses above serve as examples of good cause and are not intended to be all inclusive, nor do they imply forfeiture of an at-will employment right with non-contractual employees.

If a decision is made to dismiss an employee under this section, dismissal procedures shall be followed.

Any employee who is found guilty (including a plea of no contest) or has a sentence, fine, or other penalty (including deferred adjudication) imposed by a court of competent jurisdiction under criminal statute for an offense involving abuse, injury, or misconduct of children, or an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the university shall report such action to the associate general counsel within five days of the conviction.

#### Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

An employee shall comply with the university's requirements for records retention and destruction to the extent those requirements apply to electronic media.

#### Record Retention

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If any employee's use of electronic media violates state or federal law or university policy, or interferes with the employee's ability to effectively perform their job duties, the employee is subject to disciplinary action, up to and including termination of employment.

#### Personal Use

An employee is prohibited from storing personal data on the university's technology resources. If any employee stores personal data on the university's technology resources, the university will not facilitate the recovery of any personal data.

#### Tobacco and E-cigarettes

The use of tobacco products, or e-cigarettes, shall be prohibited on university grounds; in university buildings, facilities, and vehicles; and at university-related activities. This prohibition shall also apply to spaces leased by the university. The use of tobacco products and e-cigarettes shall be permitted in private vehicles parked on university property, provided any residue is retained within the vehicles. Violation of the university policy on the use of tobacco products and e-cigarettes may result in disciplinary action up to and including termination.