



<b>Policy Title: Policy Statement on Alcohol and Other Drugs</b>	<b>Policy Number: BU-PP 030</b>
<b>Date Issued: June 1, 2002</b>	<b>Responsible Executive: Vice President &amp; Chief Human Resources Officer/Vice President for Student Life</b>
<b>Date Last Revised: September 24, 2020</b>	<b>Responsible Office: Human Resources/Student Life</b>

## **Policy Statement on Alcohol and Other Drugs BU-PP 030**

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### **Policy Statement**

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Baylor University (“Baylor” or the “University”) prohibits individuals covered by this policy from engaging in unlawful behavior associated with a Controlled Substance, Controlled Substance Analogue, Dangerous Drug, or Drug Paraphernalia, or alcohol on or off Baylor property. Baylor also prohibits individuals covered by this policy from possessing, using, distributing or being under the influence of an alcoholic beverage while on the Baylor University campuses (including all extension campuses).

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### **Reason for the Policy**

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Spiritual, intellectual, emotional, physical, and social development have their greatest growth free from the unlawful manufacture, distribution, dispensation, possession, or use of a Dangerous Drug, Controlled Substance, and/or Alcohol Beverage. This policy is implemented in compliance with federal, state, and local laws, to include the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and implementing regulations.

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### **Individuals/Entities Affected by this Policy**

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Faculty, staff, students, contractors, visitors

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### **Exclusions**

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NONE

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## Related Documents and Forms

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### University Policies and Documents

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Group Medical Insurance

[Faculty Dismissal Policy](#)

[Staff Disciplinary Actions Policy](#)

[Student Policies and Procedures](#)

[Student Conduct Code](#)

[Definition of Student Organizational Activities and University-Related Activities](#)

Baylor Athletics Student-Athlete Handbook

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### Other Documents

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[U.S. Controlled Substances Act](#)

[Drug-Free Workplace Act of 1988](#)

[Drug-Free Schools and Communities Act Amendments of 1989](#)

[Drug and Alcohol Abuse Prevention, ECFR](#)

[Confidentiality of Substance Use Disorder Patient Records, ECFR](#)

[Texas Controlled Substances Act](#)

[Texas Dangerous Drug Act](#)

[Texas Penal Code, Intoxication and Alcoholic Beverage Offenses](#)

[Texas Alcoholic Beverage Code](#)

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### Definitions

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These definitions apply to terms as they are used in this policy.

<b>Alcohol Beverage</b>	Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted
<b>Attempt</b>	With specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends but fails to effect the commission of the prohibited behavior intended.
<b>Controlled Substance</b>	Any substance, drug, adulterant, dilutant, or immediate precursor as defined by federal or state statute or regulation. This includes, but is not limited to, marijuana (THC), cocaine, opiates, hydrocodone, hallucinogens, and amphetamines. This term does not include alcohol.
<b>Controlled Substance Analogue</b>	Any substance or drug which has a chemical structure substantially similar to the chemical structure of a Controlled Substance; or is specifically designed to produce an effect substantially similar to, or greater than, the effect of a Controlled Substance.
<b>Dangerous Drug</b>	A device or drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or a drug that bears or is required to bear the legend: "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with

	federal law; or "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."
<b>Drug Paraphernalia</b>	Equipment, a product, or material that is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a controlled substance in violation of law or in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of law.
<b>University-related activity</b>	Any activity sponsored by the University or by any organization recognized by the University.

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**Contacts**

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<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>Office email/web site</b>
<b>Services</b>	Baylor University Counseling Services	254-710-2467	<a href="https://www.baylor.edu/counseling_center/">https://www.baylor.edu/counseling_center/</a>
	Beauchamp Addiction Recovery Center	254-710-7089	<a href="https://www.baylor.edu/BARC/">https://www.baylor.edu/BARC/</a>
	Employee Assistance Program	888-628-4844	<a href="https://www.baylor.edu/hr/index.php?id=950371">https://www.baylor.edu/hr/index.php?id=950371</a>

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**Responsibilities**

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<b>Employees</b>	A Baylor employee arrested or charged in relation to a workplace violation of a criminal drug or alcohol statute shall notify the Human Resource Services Office within the first business day after the arrest or charge, whichever is first.
<b>Human Resources</b>	If a Baylor employee who is directly involved in the performance of any federal grant or in the performance of a federal contract exceeding \$100,000 is convicted of a workplace violation of a criminal drug or alcohol statute, the University's Human Resource Services Office shall notify the appropriate federal granting or contracting agency of the conviction within 10 days after the University receives notification of the conviction.

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**Principles**

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Law and Baylor University (“Baylor” or the “University”) policy prohibit the unlawful manufacture, possession, use, sale, transfer, or purchase of a Controlled Substance, a Dangerous Drug, a Controlled Substance Analogue, or Drug Paraphernalia on or off the Baylor property or as part of any of Baylor’s activities, or attempt to engage in any such prohibited behavior.

3. Policy Statement on Alcohol and Other Drugs (BU-PP 030)

Law and Baylor policy prohibit the unlawful manufacture, possession, use, sale, transfer, or purchase of alcohol on or off Baylor property or as part of any of Baylor's activities, or attempt to engage in any such prohibited behavior.

It is also a violation of Baylor policy for anyone to manufacture, possess, use, sell, transfer, purchase, or be under the influence of an Alcohol Beverage on Baylor property (including all extension campuses) or in the course and scope of duties unless otherwise permitted under this policy, or attempt to engage in any such prohibited behavior.

Consumption or use of Alcoholic Beverages off campus or at an off-campus University-related activity is discussed below.

As a first step toward reaching its policy goals, the University makes every effort to seek full compliance with University policy and federal, state, and local laws and ordinances; to discourage the unlawful use of alcohol; to promote sobriety; to provide social and recreational alternatives to the use of alcohol and other drugs; and to offer confidential, effective, and redemptive assistance to employees and students who seek help for substance misuse problems, while focusing on the development of a comprehensive program of non-residential services.

Because the University is committed to a caring relationship among its students, staff, faculties, administrators, and regents -- a caring that is characterized by understanding, forgiveness, and respect for individuality -- its disciplinary procedures are intended to be constructive and redemptive. For students who seek help for substance misuse problems, complete confidentiality will be strictly observed to the limit of the law.

Insofar as federal and state statutes and professional ethical standards permit, no professional on the Baylor counseling or medical staff will in any way notify the administration of the name of a specific student who comes for assistance for substance misuse or any other type problem, and no records will be forwarded to the administration regarding the services or the problem.

Baylor will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law) up to and including student-expulsion or employment-termination and referral for prosecution, for violations of the standards of Federal, State, or local laws on matters covered in this Policy.

*This Policy does not create a contractual obligation on behalf of the University toward any individual or entity, including without limitation students, contractors, faculty, staff, or visitors.*

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## **Student Provisions Related to Alcohol**

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In addition to the principles articulated above, students are advised that it is a violation of University policy for a student to manufacture, possess, use, sell, transfer, purchase, or

be under the influence of an alcoholic beverage on any Baylor campus or at an off-campus University-related activity, or attempt to engage in any such prohibited behavior.

Any student violating this policy is subject to disciplinary action ranging from warning to expulsion.

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### **Employee Provisions Related to Alcohol**

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In addition to the principles articulated above, employees are advised that it is a violation of University policy for an employee to manufacture, possess, use, sell, transfer, purchase, or be under the influence of an alcoholic beverage on any Baylor campus, or attempt to engage in any such prohibited behavior.

Further, employees are advised that it is a violation of University policy for an employee to manufacture, possess, use, sell, transfer, purchase, or be under the influence of an alcoholic beverage at an off-campus University-related activity, or attempt to engage in any such prohibited behavior, unless the specific behavior involving alcohol has been pre-approved according to University procedures. Vice Presidents may identify approval procedures for their area of responsibility and should an employee have questions regarding the approval may reach out to Human Resources for clarification.

The use of alcohol at an authorized University-related function or in the course of official University business that adversely affects job performance or may adversely affect the health or safety of any other person is prohibited. Employees should exhibit responsible behavior and good judgment when representing Baylor University at functions sponsored by another organization where alcohol is served.

A Baylor employee arrested or charged in relation to a workplace violation of a criminal drug or alcohol sanction shall notify the Human Resource Services Office within the first business day of an arrest or charge, whichever is first. If a Baylor employee who is directly involved in the performance of any federal grant or in the performance of a federal contract exceeding \$100,000 is convicted of a workplace violation of a criminal drug or alcohol statute, the University's Human Resource Services Office shall notify the appropriate federal granting or contracting agency of the conviction within 10 days after the University receives notification of the conviction.

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### **Legal Sanctions Applicable to Drug and Alcohol Use**

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A student or employee who violates this policy is subject both to the University's sanctions and to criminal sanctions provided by federal, state, and local law. The laws include but are not limited to those listed below. If there are any conflicts between this Policy and federal, state, or local law, those laws will take precedence and the Policy will be interpreted in accordance with those laws.

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## **Federal Penalties and Sanctions**

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### 21 United States Code 844: Penalties for simple possession

1st conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500 but not more than \$250,000, or both.

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.

Special sentencing provisions for possession of flunitrazepam (also known as Rohypnol or “roofies”): Imprisoned for not more than 3 years and/or fined.

### 21 United States Code 846: Attempt and conspiracy

Same penalties as those prescribed for possession, use, distribution, manufacture.

### 21 United States Code 853(a)(2) and 881(a)(7):

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. (See special sentencing provisions re: crack.)

### 21 United States Code 859: Distribution to persons under age 21:

First offense: Twice the maximum punishment authorized under section 841, not less than one year.

Second offense: Three times the maximum punishment authorized, and not less than one year.

### 21 United States Code 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport, sale, receive, possess, or conceal a Controlled Substance.

### 18 United States Code 922(g):

Ineligible to receive or purchase a firearm.

### Miscellaneous:

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies. Punishments are significantly accelerated for manufacture, and distribution to minors.

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## **State Penalties and Sanctions**

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### Texas Penal Code Sec. 49.02:

Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine of up to \$500.

### Texas Alcoholic Beverage Code Sec. 1.05, 101.31:

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of not less than \$100 and up to \$2,000 and/or up to one year in county jail, or both.

### Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071:

The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and at least \$250 up to \$2,000 for the second offense and/or 180 days confinement.

### Texas Alcoholic Beverage Code Sec. 106.06:

Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine of up to \$4,000 and/or up to one year in jail, or both.

### Texas Education Code Sec. 37.122:

The possession of an intoxicating beverage on the grounds of any public school (including stadium) is a Class C misdemeanor and carries a penalty of up to \$500.

### Texas Penal Code Sec. 49.04:

Driving under the influence of alcohol is a Class B misdemeanor and punishable by a minimum jail time of 72 hours and/or up to 180 days in jail for the first offense and up to a \$2,000 fine or both. For subsequent offenses, the minimum jail time is six days and/or up to 180 days in jail and up to a \$2,000 fine or both.

If found with an open container in the person's immediate possession, the offense is a Class B misdemeanor with minimum jail time of six days.

If an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor, punishable by a fine of up to \$4,000 and/or up to one year in jail, or both.

### Texas Alcoholic Beverage Code Sec. 106.07:

A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor and may be punished by a fine of up to \$500.

Punishment is accelerated if there are prior convictions.

Texas Health and Safety Code Sec. 481.102-106, 481.115-118:

The illegal distribution, possession, or use of Controlled Substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120:

The delivery or possession of Controlled Substances with the intent to manufacture Controlled Substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.122:

The distribution of marijuana to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

Texas Health and Safety Code Sec. 483.041:

A person who possess a Dangerous Drug for the purpose of selling the drug commits a Class A misdemeanor.

Texas Health and Safety Code Sec. 483.042-043:

The manufacture of a Dangerous Drug by a person not authorized by law to manufacture the drug, delivery or, offer of delivery of a Dangerous Drug is punishable by a state jail felony.

Texas Health and Safety Code Sec. 483.045:

A person who forges or alters a prescription of Dangerous Drugs commits a Class B misdemeanor unless it is shown at trial of the defendant that the defendant has previously been convicted of an offense, in which event the offense is a Class A misdemeanor.

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## **Health Risks Associated with Drug or Alcohol Use**

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### **A. Drugs**

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Narcotics including opioids such as hydrocodone, oxycodone, heroin, and fentanyl can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and benzodiazepines (Xanax, etc.) can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse,



coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as amphetamines, methylphenidate, and cocaine (or its derivative, crack cocaine) can cause increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, anxiety, an increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include apathy, long periods of sleep, irritability, depression, and/or disorientation.

Hallucinogens such as LSD, mushrooms or psilocybin, and club or “designer drugs” cause illusions and hallucinations and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana, THC infused edibles, and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, difficulty with attention, cannabinoid hyperemesis syndrome, and decreased appetite.

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## **B. Alcohol**

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Alcohol consumption may cause a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, convulsions, or potentially delirium tremens. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

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## Counseling and Treatment Resources

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A. The following services are available through Baylor University Counseling Services for those students who believe they have substance misuse problems.

1. Assessment
2. Referral
3. Individual therapy
4. Group therapy
5. Support groups
6. Psycho educational group

Students may obtain the above services on a confidential basis by either calling Counseling Services at extension 254-710-2467 or arranging for an appointment.

B. The Beauchamp Addiction Recovery Center also provides services to students who believe they have substance misuse problems. The services primarily focus on recovery and helping students maintain sobriety. Students may obtain services by calling the BARC at extension 254-710-7092.

C. Similar services are available to employees. Baylor University offers an Employee Assistance Program which offers counseling and other services to full time faculty and staff (and their household family members). The phone number for the EAP is 888-628-4844. Additional services in the community may be available through either DePaul Center, 301 Londonderry, (254-776- 5970); Heart of Texas Council on Alcohol and Drug Abuse, 524 W. Waco Drive, (254-753-7332); or other providers as selected by the individual. Such services may be covered under the Baylor group health insurance program.

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## University Sanctions

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A student or employee found guilty of noncompliance with the Baylor University Policy on Alcohol and Other Drugs is subject to sanctions commensurate with the offenses and any aggravating and mitigating circumstances.

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### A. Students

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Sanctions that may be imposed against a student are found in the [Student Conduct Code](#).

A student who is found to have engaged in misconduct is subject to one or more of the following sanctions or other sanctions deemed appropriate by the sanctioning officer or sanctioning panel (sanctions may be combined at the

10. Policy Statement on Alcohol and Other Drugs (BU-PP 030)

discretion of the sanctioning officer or panel). Sanctions may be elevated in cases where there is evidence that the misconduct was motivated by bias against Protected Characteristics (as defined in Baylor Civil Rights Policy and Procedures for students). Relevant information about an individual's disciplinary record at the University remains on the student's disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required or permitted by law. The Vice President for Student Life is informed when a sanction of suspension or expulsion is imposed.

- A. Warning:** A formal admonition, which appears in an individual's disciplinary record at the University.
  
- B. Disciplinary Probation:** A more serious admonition may be assigned for a definite period of time. Findings of misconduct that resulted in disciplinary probation may be considered in determining subsequent sanctions, even if the probation period has ended. *Any future violation may be grounds for more severe sanctions, including suspension, suspension with conditions, or, in especially serious cases, expulsion from the University.*
  
- C. Restitution:** Requirement to reimburse or otherwise compensate another and/or the University for damage or loss of property resulting from a student's misconduct. Common assessment or group billing may be made to students in a residence hall for damages occurring in common areas shared by groups of residents (determinations about whether and to what extent that will occur are made by the University's residence life administrators, not through the procedures provided in the Student Conduct Code).
  
- D. Residential or Other Facilities Restrictions or Removal:** Restriction or removal from residence halls or other campus facilities as designated in the written notification. The Campus Living & Learning contract fee will not be refunded to a student who is evicted from the residence halls.
  
- E. Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Baylor degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. Degrees may also be withheld indefinitely when all other degree requirements have been met. The sanction of withholding a degree may also occur if an expulsion-level offense occurs after all other degree requirements have been met but before the degree is conferred.

- F. Suspension:** Student status at the University may be terminated for a specified period of time.
- G. Suspension with Conditions:** Student status at the University may be terminated for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the officer or panel applying this penalty, have been fulfilled. These conditions may include, but are not limited to, restitution of damages and formal apology.
- H. Expulsion:** This is permanent termination of student status at the University, without any opportunity for readmission. Relevant information remains in the student's disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required or permitted by law.
- I. Additional Outcomes:** The following examples are not exclusive or all-inclusive but are intended to provide some examples of the types of outcomes that may accompany the preceding sanctions, as appropriate:
- **Community Service:** Community service up to 10 hours per week may be added to disciplinary probation for a portion or duration of the probationary period or following a warning.
  - **Restriction of Access to Space, Resources, and Activities:** When appropriate, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact between the parties.
  - **Educational Programs:** In addition to any of the sanctions listed above, a student may be required to participate in educational programs.
  - **No Contact Directives:** No contact directives may be imposed as an administrative matter (but not necessarily a sanction) when the University determines that doing so is in the best interests of an affected individual or individuals, and/or the best interests of the University.

**The fact that these additional outcomes are listed here as examples does not limit the University's ability to issue interim or administrative measures such as restriction of access to space, resources and activities, and/or no contact directives at its discretion even where no Student Conduct Code or other policy**

**violation has been investigated or charged, and/or where no policy violation has been found.**

If there is a conflict between this policy and the Student Conduct Code, the Conduct Code will prevail. Other policies, e.g., Department of Athletics, Student-Athlete Handbook, may add additional restrictions or requirements that are consistent with this policy.

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## **B. Employees**

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A Baylor employee who violates this policy is subject to discipline by the University, up to and including termination. Such discipline may include required participation in a drug abuse assistance or rehabilitation program or discipline up to and including termination from employment. If there is a conflict between this policy and other Baylor policies on employees, such as the Drug-Free Workplace Policy, this policy will prevail. Other policies may add additional restrictions or requirements that are consistent with this policy.