

University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: General Administration
AREA: General

Number: MAP 01.A.10

SUBJECT: Drug and Alcohol Abuse Prevention Policy

MAP 01.A.10

I. **THE DANGERS OF DRUG OR ALCOHOL ABUSE IN THE WORKPLACE AND ON THE CAMPUS**

There are millions of American individuals adversely affected by their progressive dependence on drugs or alcohol. According to the 2016 National Survey on Drug Use and Health [1] an estimated 28.6 million Americans, or 10.6% of the population aged 12 or older, are current illicit drug users. The use of illicit drugs such as marijuana is increasing and show continuing upward trends among the age group of 26 or older. A lower increase was reported in 2016 for the age group of 18 to 25 years old. Regarding alcohol users, an estimated 136.7 million Americans aged 12 or older, report being current drinkers of alcohol, 65.3 million report as being binge drinkers, and 16.3 million report participating in heavy drinking at least once in the 30 days prior to the survey.

[1] Report sponsored by the U.S. Department of Health & Human Services and the U.S. Department of Public Health Services

II. **HEALTH RISKS**

The abuse of drugs and alcohol can lead to a variety of serious consequences including: poor academic performance; poor decision making; poor morale; work errors; wasted time and materials; damage to equipment; theft; tardiness; absenteeism; accidents which injure the drug abuser; accidents which put employees and students at risk of injury; and may lead to disciplinary action, prosecution, illness, and even death. Abusers of these substances may experience depression, isolation, loss of memory, loss of coordination, impaired judgment, reduced morale, anxiety, paranoia and loss of self-respect.

III. **PHILOSOPHY**

The unlawful use of drugs or abuse of other drugs and alcohol is inconsistent with the behavior expected of members of the university community. The university is committed to the development and maintenance of a drug-free environment on the campus as well as an environment that prohibits the abuse of other drugs and alcohol. The university also has a drug and alcohol abuse prevention program in operation, accessible to all members of the university community, and is committed to the further expansion of that program and the dissemination of drug awareness information to the members of the university community. In addition, the university is committed to enforcing the provisions of the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 and believes that these acts and their regulations provide a proper framework for the drug and alcohol abuse policies of the university.

IV. POLICY

It is the policy of the university that illicit drug use, including the manufacture, sale, distribution, dispensation, possession, or use, is prohibited in the workplace, on the campus, or as part of any university activities. Sanctions imposed for violation of this policy are indicated below.

V. APPLICATION OF POLICY

The Drug and Alcohol Abuse Prevention Policy is supported by a drug free awareness and alcohol education program available to the faculty, staff and students of the university. Specific compliance and reporting items enumerated in the policy (items B, C, D, and E) are applicable to all persons employed on federal contracts and grants.

In support of this policy, the university:

- A. Has established a drug free and alcohol abuse awareness campaign to inform its faculty, staff, and students about the dangers of drug and alcohol abuse in the workplace, the university's policy of maintaining a drug free workplace and a workplace which prohibits the illicit use of alcohol, available drug and alcohol counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug and alcohol abuse violations.
- B. Will provide each new student and new employee a copy of this policy. In addition, all faculty, staff, and students will be notified of this policy through appropriate publications and websites.
- C. Will notify each university employee and each student that, as a condition of employment on a federal grant or contract, the person, once so employed, must abide by the terms of this policy, and must notify their supervisor and the Office of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than 5 days after such conviction.
- D. Will notify the appropriate federal agency within 10 days after receiving notice of criminal drug statute conviction for a violation occurring in the workplace of any university employee engaged in performance of the grant or contract.
- E. Will impose sanctions on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, by any employee so convicted. Sanctions imposed on employees for violation of this policy may include suspension, suspension without pay, and termination.
- F. Will make a good faith effort to continue to maintain an environment that complies with the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.
- G. Will conduct a biennial review of its programs to assess their effectiveness, what changes need to be made, and to ensure the consistent application of sanctions to employees and students.

VI. DEFINITIONS

The following terms are important for purposes of expressing the university's policy on a drug free workplace:

- A. **Controlled substance** means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15, and defined in the Texas Controlled Substances Act [Texas Health and Safety Code, and §481.001 et seq].
- B. **Contract** means a legal instrument reflecting a relationship between the federal government and a recipient whenever the principal purpose of the instrument is the acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the federal government; or whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.
- C. **Conviction** means finding of guilt (including a plea of nolo contendere), of imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- D. **Criminal drug statute** means a federal or non-federal criminal statute involving the manufacture, sale, distribution, dispensation, use, or possession of any controlled substance.
- E. **Employee** means an individual receiving a salary, wages, other compensation and/or stipend support from the university.
- F. **Federal agency or agency** means any United States executive department, military department, government corporation, government-controlled corporation, or any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.
- G. **Grant** means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government-wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.
- H. **Grantee** means a legal entity, which applies for or receives a grant or contract directly from a federal agency.
- I. **Illicit drug use** means the use of illegal drugs and the abuse of other drugs and alcohol.
- J. **Student** means an individual registered or enrolled for credit or non-credit in a course or program offered by the university or any of its units.
- K. **University activities** means an activity officially sponsored by the UHCL.

- L. **Workplace** means the physical boundaries of the university and facilities owned, operated, leased, and/or controlled by the university.

VII. IMPLEMENTATION

Implementation of this policy is a joint responsibility of the Office of Human Resources, the Division of Student Affairs, Counseling Services, Title IX, and University Police.

VIII. PENALTIES FOR VIOLATION OF THE POLICY

The university policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol on the campus and at university-sponsored events held off campus is for the support and protection of employees and students of the University of Houston-Clear Lake. Therefore, any employee admitting to or convicted of the unlawful possession, use, or distribution of illicit drugs and/or alcohol on the campus or at university-sponsored events held off campus, will be subject to disciplinary action in accordance with the Discipline and Dismissal of Non-faculty policy or the Dismissal of Faculty policy. Further, the employee may be referred for criminal prosecution and may be required to participate in a satisfactory manner in a drug and alcohol assistance or rehabilitation program. Referrals to rehabilitation programs will be as a result of joint consultation between the employee and the Office of Human Resources. Supervisors who suspect that an employee may be in violation of this policy or may be under the influence while at work, must consult with the Associate Vice President of Human Resources and/or the University Police Department before any action is taken.

Any student found responsible of violating the Student Code of Conduct regarding the unlawful possession, use, or distribution of illicit drugs and/or alcohol on campus or at university-sponsored events held off campus will be subject to disciplinary action. This action consists of penalties up to and including probation, suspension, and expulsion. The student may be referred for criminal prosecution and may be required to participate in a satisfactory manner in a drug and alcohol assistance or rehabilitation program.

Further information concerning disciplinary action and appropriate procedures for employees is available from the Office of Human Resources (281.283.2160) and for students from the Dean of Students Office (281.283.2567).

IX. EMPLOYEE AND STUDENT ASSISTANCE PROGRAMS

The UHCL offices of Counseling Services and Health Services offer drug and alcohol abuse educational resources, programs, consultation and referrals for employees and students. In addition, the assistance of outside resources may be used.

1. Educational Resources Programs

- a. Educational literature and materials on substance abuse, identification and treatment are available free of charge in the offices of Counseling Services and

Health Services.

- b. Programs focusing on drug and alcohol abuse education are offered to the
- c. university community. The Student Affairs Division, in collaboration with Title IX and University Police will work with other relevant agencies to ensure that said programs are coordinated and implemented all year round. These programs are open to students, faculty and staff at no charge.
- d. In-service seminars are available by request. These seminars are designed to help students, faculty, and staff understand ways to identify persons at risk and to explore methods of dealing with such problems.

2. Consultation and Referrals

- a. Students are eligible to consult with the counselors in the Office of Counseling Services or the Office of Health Services about drug and alcohol substance abuse issues and resources.
- b. Faculty and staff are eligible to consult with the Office of Human Resources about drug and alcohol substance abuse issues and resources.
- c. Drug and alcohol abuse counseling and rehabilitation program referrals are made as needed to mutual help organizations (such as Alcoholics Anonymous or Alanon), private hospitals, public treatment programs and private practitioners.

X. PENALTIES UNDER TEXAS LAW

For the most up to date information regarding the penalties under Texas Law, please visit the following, specifically Health and Safety Code Section 481.112:

https://www.lawserver.com/law/state/texas/txcodes/texas_health_and_safety_code_chapter_481_subchapter_d

XI. PENALTIES UNDER FEDERAL LAW

For the most up to date information regarding the penalties under Federal Law, please visit the following, specifically 21 U.S.C. 844 and 21 U.S.C. 802:

<https://codes.findlaw.com/us/title-21-food-and-drugs/21-usc-sect-844.html>
<https://codes.findlaw.com/us/title-21-food-and-drugs/21-usc-sect-802.html>

For more information:

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Dean of Student Office Student Services/ Classroom Bldg.	281.283.2567 SSCB 1.201
Counseling Services Student Services/ Classroom Bldg.	281.283.2580 SSCB 3.103
Human Resources Bayou Building	281.283.2160 B2537

XII. REVIEW AND RESPONSIBILITIES

Responsible Party: HR responsible for implementing and monitoring policy
Review: Every 3 years

XIII. APPROVAL

/Mark Denney/

Vice President for Administration and Finance

/Richard Walker/

President

Date of President's Approval: March 13, 2023

XIV. REVISION LOG

Revision Number	Approval Date	Description Change
1	02/24/2023	Reviewed – No Changes