



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP:** 10.03, **Alcohol and Illegal Drugs**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to ensure understanding and standardized procedures in compliance with the provisions of the Drug-Free School and Communities Act Amendments.

**REVIEW:** This HSCEP OP will be reviewed on June 1 of each even-numbered year (ENY) by the Institutional Compliance Officer, with recommendations for revisions submitted to the President by August 1.

### **POLICY/PROCEDURE:**

#### **1. Authority.**

- a. The Texas Tech University Health Sciences Center El Paso (TTUHSCEP) policy on drug and alcohol abuse prohibits the unlawful possession, use, or distribution of alcohol and illegal drugs on TTUHSCEP property or as a part of any officially sponsored TTUHSCEP activities.
- b. The Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 7101 *et seq.*, as amended, require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students. This OP also applies to residents. In addition to meeting the requirements of the federal law, TTUHSCEP also intends that this policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus communities in all regional sites and components. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, and treatment.
- c. This policy is in addition to, and not in lieu of, any other TTUHSCEP policy. TTUHSCEP reserves the right to take disciplinary action against faculty, staff, residents, or students for violations under this or other applicable policies of TTUHSCEP.

#### **2. Implementation.** It is the policy of TTUHSCEP to create an environment for faculty, staff, residents and students that is free from illicit drugs and the abuse of alcohol. Accordingly, TTUHSCEP will provide programs designed to prevent the illegal possession, use, or distribution of alcohol and illegal drugs, as required by 20 U.S.C., § 7101 *et seq.*, as amended, for all faculty, staff, residents, and students at TTUHSC.

- a. The President of TTUHSCEP designates the Committee to be responsible for the development and continuing implementation of these programs.
- b. Documents related to programs referenced herein are on file in the Offices of Student Services, Graduate Medical Education, Human Resources and the Dean. The programs will include, at a minimum, the following activities:
  - (1) The President's office will distribute the TTUHSCEP Student, Faculty, Staff and Resident Guidelines (Drug-Free Schools and Communities Act) (Attachment A)

to each faculty, staff, resident, and student that includes the following information:

- (a) Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, residents, and students on TTUHSCEP property or as part of any officially sponsored TTUHSCEP activity;
- (b) The applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of alcohol and illegal drugs;
- (c) The health risks associated with the use of illegal drugs and the use of alcohol; and
- (d) Drug and alcohol prevention, counseling, intervention, treatment, rehabilitation, or re-entry programs available to faculty, staff, residents, and students.

The distribution of this policy may be made via hard copy, i.e., Student Handbook or similar printed materials, or electronically, i.e., E-mail sent directly to all members of the TTUHSCEP campus communities, or both. A hardcopy may be obtained from the Offices of Student Services, Graduate Medical Education, Human Resources and the Dean.

- (2) Conducting a biennial review of the TTUHSCEP drug prevention program to be completed no later than January 31 of every even-numbered year (ENY). This review is independent of the standard Operating Policy and Procedure review. This federally-mandated review shall be conducted by a committee approved by the President.
- (3) Reporting to the President on the effectiveness of the program, including a determination that the policy and applicable disciplinary sanctions are being followed. Where applicable, the report shall also include recommendations for corrective actions or additional activities to enhance the program's effectiveness.

3. **Penalties.** Penalties for violation of this policy range from mandatory participation in TTUHSCEP-approved drug and alcohol abuse counseling and rehabilitation programs to dismissal from TTUHSCEP.

- a. After consultation with appropriate personnel, supervisors may recommend an option of TTUHSCEP-approved drug counseling and rehabilitation in lieu of, or in addition to, the specified sanctions in applicable TTUHSCEP policies. Each case will be determined individually.
- b. In addition to any penalty resulting from violation of this policy, TTUHSCEP may also refer any evidence of illegal activities by any employee, resident, or student to the proper authorities for review and potential prosecution. Such referrals will be made through the Office of the President, Office of the General Counsel, Human Resources Office, Police Department, and/or the Office of the Dean within the appropriate school.
- c. Procedures for addressing infractions include the following:
  - (1) **Faculty.** If the offender is a faculty member, his or her supervisor (usually the department chair) shall initially recommend to the Dean, and thereafter to the President, an appropriate sanction. When termination is recommended, the faculty member may appeal under HSCEP OP 60.01, Tenure and Promotion Policy.

- (2) **Staff.** If the offender is a staff member, procedures outlined in HSCEP OP 70.10, HSCEP OP 70.31, and HSCEP OP 70.38 shall be followed.
  - (3) **Resident.** If the offender is a resident, the procedures to be followed are those specified in the TTUHSCEP School of Medicine GME House Staff Policies and Procedures.
  - (4) **Student.** If the offender is a student, the procedures to be followed are those specified in the TTUHSCEP Student Handbook/Code of Professional & Academic Conduct of the institution and the school's handbook in which the student is enrolled. If the student in violation of this policy is also an employee of TTUHSCEP sanctions may include termination of employment
- d. In any case, due process will be afforded.