

DRUG-FREE SCHOOLS AND

CAMPUSES ACT

2020 BIENNIAL REPORT

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# Memo from the President

Texas Tech University Health Sciences Center El Paso is committed to the health and safety of its students and employees. Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) continues to strongly promote an environment that discourages the inappropriate or illegal use of alcohol and other drugs.

Substance misuse and mental illness affects the lives of millions of Americans. Misuse of prescription drugs is second only to marijuana as the nation’s most common drug problem after alcohol use. The Substance Abuse and Mental Health Services Administration reports that in 2019 an estimated 35.8 million Americans aged 12 or older had used illicit drugs within the past month and approximately 65.8 million people had binged on alcohol. Three million people aged 12 or older reported current misuse of prescription opioid pain relievers. From 2018 to 2019, opioid use disorder, pain reliever misuse, and first time heroin use decreased significantly; while the use of marijuana and methamphetamine both showed a significant increase. While we are making progress some areas, we must continue to move forward in addressing the causes and effects of illicit drug use.

Substance abuse not only disrupts the workplace but also endangers the lives of those on our campuses. The Drug-Free Schools and Communities Act Amendment of 1989 requires that students, faculty and staff be informed of the TTUHSC El Paso program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs. The attached document outlines TTUHSC El Paso’s:

* Standards of conduct prohibiting the unlawful possession, use or distribution of illicit drugs and alcohol;
* Local, state and federal laws and sanctions related to illicit drugs and alcohol;
* The health risks associated with the use of illicit drugs and alcohol;
* Any drug or alcohol counseling, treatment, or other programs available to students and employees; and
* Disciplinary sanctions on students, faculty and staff for violations of drug and alcohol standards of conduct.

Please remember to contact our Employee Assistance Program (EAP) or Office of Student Services and Student Affairs should you or a member of your family need assistance. As we close out 2020, I would like to thank you for your efforts to keep our campus safe and drug-free.

Richard Lange, M.D.

President

# Introduction to the Drug-Free Schools and Campuses Act

The Drug-Free Schools and Campuses Regulation requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education (IHE) must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

In order to certify its compliance with the regulations, Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) must adopt and implement a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities. Creating a program that complies with the regulations requires TTUHSC El Paso to do the following:

* Prepare a written policy on alcohol and other drugs.
* Develop a process to distribute the policy to all TTUHSCEP faculty, staff and students.
* Prepare a biennial review report on the effectiveness of its alcohol and other drug (AOD) programs and the consistency of policy enforcement.
* Maintain a biennial review report on file to be made available to the US Department of Education upon request.

## **Biennial Review Process**

The president of TTUHSC El Paso, Dr. Richard Lange, appointed a committee to examine the current AOD programs. This Biennial Report summarizes the AOD programs and policies and provides an evaluation of and recommendations towards promoting the effectiveness of the programs and policies and the consistency of the sanctioning when policy violations occur. The following offices and committee members contributed to this report:

Title IX Coordinator Dr. Linda S. Ellis

Human Resources Thomas O’Brien

Office of Student Services and Student Affairs Hilda Alarcon

Student Conduct Dr. Robin Dankovich

Provost/OIRE Dr. Christiane Herber-Valdez

Contracting Services Lisa Badillo

Institutional Compliance Andrew Conkovich

Safety Services Calvin Shanks

Texas Tech Police Lt. George Stoltz

## **Compliance with the Drug-Free Schools and Campuses Act**

Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) is committed to the health and safety of its faculty, staff and students. Alcohol and drug abuse remains a significant problem in the United States and TTUHSC El Paso is concerned about substance abuse on our campus. The federal Substance Abuse and Mental Health Services Administration reports that approximately 14 million people in the United States have an alcohol problem and 3.2 million have abused or are dependent on illegal drugs. Substance abuse not only disrupts the workplace but also endangers the lives of those on our campuses.

The Drug-Free Schools and Communities Act Amendments of 1989 requires that students, faculty and staff be informed of the Texas Tech University Health Sciences Center El Paso program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs.

The outline for this report will serve as the template for future annual reports that review the alcohol and drug education program as part of the Drug-Free Schools and Campuses Regulations compliance report.

## **Policy and Annual Notification Process**

TTUHSC El Paso adopted an operating policy and procedure to set forth the provisions of the Drug Free Schools and Communities Act Amendments. In addition to meeting the requirements of the federal law, TTUHSC El Paso also intends that the policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus community, including all regional clinical instruction sites. Thus, the emphasis in program implementation is on prevention, education, counseling, intervention and treatment. The policy is reviewed each even-numbered year by a committee designated by the TTUHSC El Paso president.

The policy and a biannual memo are distributed by the TTUHSC El Paso Office of the President to all faculty, staff and students via email distribution. The annual notification provides TTUHSC El Paso’s standards of conduct, a description of federal, state, and local law and campus policy; a description of health risks associated with AOD use; and a description of available treatment options.

## **Description of Alcohol and Other Drug (AOD) Program Goals**

TTUHSC El Paso is committed to the health and safety of its students and employees. To maintain an effective AOD program, the institution continues to:

* Increase employees’ and students’ awareness of AOD program;
* Increase and improve AOD related education and training;
* Develop and implement strong and effective policies;
* Provide various resources and assistance programs to employees and students;
* Create a climate that discourages drug and alcohol use;
* Measure awareness and effectiveness of AOD program continually.

# Programs Addressing AOD Use and Abuse

The TTUHSC El Paso president, faculty, staff and students provide input in campus programs directed at alcohol and other substance abuse. A wide range of expertise can be found on the campus in health care professionals, health care educators, licensed counselors, security personnel, students, administrative personnel, and other leaders.

***The Employee Assistance Program (EAP)***provides a staff of trained professionals that are committed to providing quality counseling and assistance for individuals, couples, families, and work groups. Confidential counseling sessions are available at no cost to the individual and there is a 24-hour crisis helpline.

* The EAP staff attend all new employee orientation sessions and provide brochures to describe EAP assistance available.
* The EAP staff also provide annual education for all new house staff.

***TTUHSC El Paso Campus Events:*** All TTUHSC El Paso sponsored events where alcohol will be available, must have the TTUHSC El Paso president’s approval prior to the event.

***TTUHSC El Paso Physician’s Wellness Committee:***The TTUHSC El Paso Physician’s Wellness Committee is a medical peer review committee to assist physicians, house staff and medical students with physical impairments, chemical or substance abuse problems, or mental and emotional difficulties that may affect clinical skill and/or judgment.

***Office of Student Services and Student Affairs:*** The TTUHSC El Paso Office of Student Services and Student Affairs (SSSA)leads an institution-wide effort focused on non-academic matters affecting student life, student success, and student learning. Services are provided to all levels of students. Distance Students access resources via online options, phone call communication, and established connections in the community in which the student resides. Under SSSA, the Student Counseling Services are available to students and dependents through a variety of local contracted providers who are trained in addressing all types of problems, including alcohol and drug abuse.

***EVERFI Training Modules:*** The EVERFI Training program is provided to all new students matriculating at TTUHSC El Paso. The online modules are assigned in the first semester and students are given a month to complete them. These training modules include:

 Sexual Assault Prevention for Undergraduate and Graduate Students

 Alcohol Education for College

 Higher Ed. Prescription Drug Abuse Prevention

***Academic Success and Accessibility Office:*** The Academic Success and Accessibility Office is committed to providing equitable access to learning opportunities for all students with documented disabilities (e.g., mental health, attentional, learning, chronic health, sensory, or physical). This office can assist with locating resources to address alcohol and drug-related issues. (<https://elpaso.ttuhsc.edu/studentservices/office-of-academic-and-disability-support-services/default.aspx>)

***Self-Reporting****:* Physicians and/or House Staff are also encouraged to self-report and shall have an opportunity to voluntarily relinquish duties and privileges that cannot be performed safely and cooperate in the development of activity restrictions which may be imposed. This policy does not preclude a physician or medical resident from self-reporting to the Texas Medical Board (TMB) to obtain a protective Board order, or obtain support through the TTUHSC El Paso EAP services.

***House Staff Association:***  The House Staff Association (HSA) is an independent organization managed by TTUHSC El Paso residents and fellows.  It provides an open forum that allows residents and fellows to communicate and exchange information on their educational and work environment. It promotes the well-being, interests and education of the House Staff.

***Smoke Free Campus****:* TTUHSC El Paso prohibits tobacco use in a TTUHSC El Paso facility or anywhere on the grounds of any TTUHSC El Paso facility to include a leased facility/space. The TTUHSC El Paso Tobacco Intervention Program assists those individuals who wish to stop using tobacco products.

***Ethics Point:*** In recognizing Texas Tech University System’s obligation to students and employees to maintain the highest ethical standards, TTUHSC El Paso has established a hotline to provide a confidential avenue for reporting. Reports submitted through EthicsPoint are forwarded to university officials for prompt and appropriate action. The Texas Whistleblower Act protects anyone who, in good faith, reports unlawful activity from retaliation for making such a report.

# Policies Addressing AOD Use and Abuse

HSCEP OP: 10.03, Alcohol and Illegal Drugs Policy

HSCEP OP: 10.19, Smoke free and Tobacco free Environment Policy

HSCEP OP: 70.39, Drug Free Workplace Policy

HSCEP OP: 70.41, Drug and Alcohol Testing for Safety sensitive Positions Requiring a Commercial Driver’s License

HSCEP OP: 72.15, Purchasing Card Program

HSCEP OP: 72.16, Official Functions, Business Meetings, and Entertainment

HSCEP OP: 77.15, Working with Affiliate Entities – Student Drug Screenings

PLFSOM Impaired Medical Student Policy

TTUHSCEP SOM Faculty Handbook

TTUHSCEP SON Faculty Handbook

TTUHSCEP Employee Handbook

TTUHSCEP SOM House Staff Policies and Procedures

TTUHSCEP Institutional Student Handbook: Code of Professional and Academic Conduct

TTUHSCEP Office of Student Services and Student Affairs, Student Counseling Services

# AOD Statistics

***Clery Act Crime Statistics:*** In accordance with the Clery Act, the institution reports the number of referrals for students and employees for drug, alcohol, or weapons related violations. The following table is from the 2019 Clery Annual Security Report.



***Human Resources EAP Cases for Alcohol or Chemical Dependency:*** These statistics are reported anonymously from the University EAP provider. Services to staff, faculty, students and family are a free benefit of the EAP. In the previous two years there have been no reported referrals to the EAP provider for AOD related issues.

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| --- | --- | --- | --- |
| **Report to EAP** | **Fiscal Year** | **Incidents** | **Action Taken** |
| Inpatient/Outpatient Substance Abuse | 2019 | 0 | NA |
| Inpatient/Outpatient Substance Abuse | 2020 | 0 | NA |

# AOD Program and Policy Recommendations

* Obtain quarterly reports from the Office of Student Services and Student Affairs and Human Resources for drug and alcohol related violations and outcomes. This will assist in measuring enforcement consistency. List each case (without identifying information) and present the particulars of the offense, mitigating or aggravating circumstances, and disposition (e.g., cleared or no action, counsel and education, disciplinary sanction, suspension).
* Conduct a survey of students and employees related to the awareness of alcohol related resource availability; health effects; standards of conduct; and sanctions. The results of this survey will be used to evaluate AOD program effectiveness and identify areas for improvement.
* Continue to provide programs that focus on alcohol and other drugs abuse prevention.
* Explore additional opportunities to provide education and increase AOD program awareness at on campus and off campus events.

# Standards of Conduct

Texas Tech University Health Sciences Center El Paso is committed to the health and safety of its students and employees. Alcohol and Drug Abuse remains a significant problem in the United States. The Drug-Free Schools and Communities Act Amendments of 1989 requires that students, faculty and staff be informed of the Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) program designed to prevent the unlawful possession, use or distribution of alcohol and illegal drugs.

State and federal laws regarding the possession, use, and sale of alcoholic beverages and illegal drugs are strictly enforced by the TTU Police Department. Violators are subject to criminal prosecution, fines, and imprisonment. All students, faculty, residents, and staff of TTUHSC El Paso are prohibited from the unlawful possession, use, or distribution of alcohol and illicit drugs on any institutional property or at any of its activities.

Abuse of alcohol and the use of illicit drugs can result in a wide range of health problems, including seizures, heart problems, liver diseases, chronic brain dysfunctions, and other diseases and infections, many of which can result in death. Substance abuse can also cause addiction, memory loss, hallucinations, and paranoia.

The emotional consequences of alcohol and drug use are often minimized. Their use can cause personality changes that contribute to problems in dealing with family and co-workers. These changes may seriously impair a person and can lead to psychological problems and mental illness. Substance abuse can also disrupt job effectiveness, reduce motivation, create legal and financial problems, and contribute to social dysfunction.

# Federal, State, and Local Laws Regulating Alcohol and Drug Use

These sanctions are based on federal requirements in 21 U.S.C. §§841, 844, 844a & 859. Federal regulations prohibit possession and distribution of alcohol and illegal drugs and provide for penalties of imprisonment and fines. Specific language of the regulations can be obtained from the Human Resources Office, the GME Office, or the Office of Student Services and Student Affairs during regular office hours.

## **Offense and Penalties under Federal Law**

***Possession of drugs (including marijuana)***

* **Minimum:** A fine of not less than $1,000 and/or imprisonment for up to one year
* **Maximum:** A fine of not less than $10,000 plus costs of investigation and prosecution, and imprisonment for not more than three years

***Manufacture, distribution, or dispensing of drugs (including marijuana- first offense)***

* **Minimum:** A fine of $250,000 and/or imprisonment for up to five years
* **Maximum:** A fine not to exceed $10,000,000 for an individual (or $50,000,000 if other than an individual) and imprisonment for life without release (no eligibility for parole)
* Persons who violate federal drug trafficking laws within 1,000 feet of a university may face penalties or prison terms and fines up to twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

## **Offense and Penalties Under Texas Law**

The Implied Consent Law in Texas—In Texas, any person who receives a driver’s license automatically consents to a chemical test of their blood, breath, or urine to determine blood alcohol content or the presence of drugs. If an individual refuses such a test his/her driver’s license will be confiscated, where after the individual will be issued a temporary driver’s license until a court hearing is held. During the hearing, and if applicable, one's test refusal will be used against him/her, and the court may rule to suspend the individual's driver’s license.

* The ***legal age*** in Texas for the purchase or consumption of alcoholic beverages is 21.
* The ***legal limit*** for intoxication in Texas is a 0.08 Blood Alcohol Concentration (BAC).
* It is ***illegal to furnish or serve*** alcoholic beverages to any person under the age of 21. (For minors any detectable amount of alcohol is a violation.)

Texas sanctions include those referenced in Health and Safety Code, §§481.115-122; 481.125; 481.129. Sanctions for illegal use or possession of alcohol are found in the Texas Alcohol Beverage Code, §§106.06 and 106.07, and the Texas Penal Code, Chapter 49. Furthermore, the abuse of a controlled substance or alcohol, which results in impaired behavior, can result in charges of:

1. Driving while intoxicated;

2. Public intoxication; and/or

3. Disorderly conduct.

***Driving While Intoxicated***—In Texas, a conviction for Driving While Intoxicated can have three potential punishments:

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| --- | --- | --- | --- | --- |
| **DWI** | **Driver’s License****Suspended** | **Fine** | **Jail Time** | **Annual Fee to Maintain a License for 3 years** |
| First Offense | Up to 1 year | Up to $2,000 | 3 days to 180 days | $1,000 - $2,000 |
| Second Offense | Up to 2 years | Up to $4,000 | 1 month to 1 year | $1,000 - $2,000 |
| Third Offense | Up to 2 years | Up to $10,000 | 2 to 10 years instate penitentiary | $1,000 - $2,000 |

***Public Intoxication***—A person commits Public Intoxication if the individual appears in a public place while intoxicated to the degree that the person may endanger the person or another.

Public Intoxication Punishment for Those 21 Years of Age or Older:

Texas Penal Code Section 49.02 (c) provides that public intoxication in Texas is a Class C Misdemeanor. Class C Misdemeanors in Texas are punishable by a fine not to exceed $500.00. However, having two prior public intoxication convictions makes the third public intoxication enhanceable to a Class B Misdemeanor, which carries potential jail time of up to 180 days and a fine up to $2,000.

A conviction for public intoxication may appear on a criminal background record, which may impact one's eligibility for admission to an educational program or being hired for a job.

Public Intoxication Punishment for Those Under 21 Years of Age:

1. If a minor has two previous convictions for public intoxication, a third conviction can be enhanced to a Class B Misdemeanor, which carries potential jail time of up to 180 days and a fine up to $2,000.

2. A first time conviction for public intoxication can result in the suspension of a minor's driver's license, driver's learning permit, or the denial of the issuance of a driver's license or learning permit.

3. A minor convicted for a first time public intoxication faces a fine of not to exceed $500.00.

4. A minor faces mandatory community service and an alcohol education course or program.

***Disorderly Conduct***—Under Texas disorderly conduct laws, the charge can be levied against an individual who does any of the following in a public place:

1. Makes an offensive gesture likely to start an altercation.
2. Makes a “noxious and unreasonable odor” with the use of chemicals.
3. Uses “abusive, indecent, profane, or vulgar language,” i.e., words likely to cause an altercation.
4. Makes unreasonable noise in public or near a private residence (not one's own).
5. Fights with another person.
6. Abuses or threatens another.
7. Displays or fires a gun with the intent of scaring others.
8. Exposes one's genitals or anus with disregard to others.
9. Peeps into homes, hotel rooms, or other private areas.

In general, if convicted, an individual could face a **$500 fine** for a disorderly conduct charge. However, if the offense involves a firearm or other deadly weapon, the penalty is increased to up to 180 days in jail and fines reaching $2,000.

***Texas Drug Law***

The penalties for Possession of a Controlled Substance are set out in the Texas Health and Safety Code and vary based on the type and amount of the controlled substance. The Texas Health and Safety Code classifies controlled substances into five penalty groups:

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| 1 | Cocaine, Heroin, Methamphetamine, Codeine, Oxycodone, Hydrocodone, Rohypnol and GHB |
| 1A | LSD |
| 2 | Ecstasy, Amphetamines, Mushrooms, PCP and Mescaline |
| 3 | Valium, Xanax and Ritalin |
| 4 | Compounds containing Dionine, Motofen, Buprenorphone or Pryovalerone |

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| **Penalty Group 1** |
| **Weight** | **Charge** | **Range of Punishment** |
| Less than one gram | State jail Felony | 180 days to 2 years in state jail and a fine not to exceed $10,000 |
| 1 gram or more, but less than 4 grams | Third-degree Felony | 2 to 10 years in a state prison and a fine not to exceed $10,000 |
| 4 grams or more, but less than 200 grams | Second-degree Felony | 2 to 20 years in a state prison and a fine not to exceed $10,000 |
| 200 grams or more, but less than 400 grams | First-degree Felony | 5 to 99 years or life in a state prison and a fine not to exceed $10,000 |
| 400 grams or more | Enhanced First-degree Felony | 10 to 99 years or life in a state prison and a fine up to $100,000 |

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| **Penalty Group 1A** |
| **Units** | **Charge** | **Range of Punishment** |
| Fewer than 20 units | State jail Felony | 180 days to 2 years in state jail and a fine not to exceed $10,000 |
| 20 units or more, but less than 80 units | Third-degree Felony | 2 to 10 years in a state prison and a fine not to exceed $10,000 |
| 80 units or more, but less than 4,000 units | Second-degree Felony | 2 to 20 years in a state prison and a fine not to exceed $10,000 |
| 4,000 units or more, but less than 8,000 units | First-degree Felony | 5 to 99 years or life in a state prison and a fine not to exceed $10,000 |
| 8,000 units or more | Enhanced First-degree Felony | 15 to 99 years or life in a state prison and a fine up to $250,000 |

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| **Penalty Group 2** |
| **Weight** | **Charge** | **Range of Punishment** |
| Less than one gram | State jail Felony | 180 days to 2 years in state jail and a fine not to exceed $10,000 |
| More than 1 gram, but less than 4 grams | Third-degree Felony | 2 to 10 years in a state prison and a fine not to exceed $10,000 |
| More than 4 grams, but less 400 grams | Second-degree Felony | 2 to 20 years in a state prison and a fine not to exceed $10,000 |
| 400 grams or more | Enhanced First-degree Felony | 5 to 99 years or life in a state prison and a fine not to exceed $50,000 |

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| **Penalty Group 3** |
| **Weight** | **Charge** | **Range of Punishment** |
| Less than 28 grams | Class A Misdemeanor | Up to 1 year in county jail and a fine not to exceed $4,000 |
| 28 grams or more, but less than 200 grams | Third-degree Felony | 2 to 10 years in a state prison and a fine not to exceed $10,000 |
| 200 grams or more, but less than 400 grams | Second-degree Felony | 2 to 20 years in a state prison and a fine not to exceed $10,000 |
| 400 grams or more | Enhanced First-degree Felony | 5 to 99 years or life in a state prison and a fine not to exceed $50,000 |

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| **Penalty Group 4** |
| **Weight** | **Charge** | **Range of Punishment** |
| Less than 28 grams | Class B Misdemeanor | Up to 180 days in county jail and a fine not to exceed $2,000 |
| 28 grams or more, but less than 200 grams | Third-degree Felony | 2 to 10 years in a state prison and a fine not to exceed $10,000 |
| 200 grams or more, but less than 400 grams | Second-degree Felony | 2 to 20 years in a state prison and a fine not to exceed $10,000 |
| 400 grams or more | Enhanced First-degree Felony | 5 to 99 years or life in a state prison and a fine not to exceed $50,000 |

Additional penalties may include the suspension of one's driver's license or the possibility or seizure and forfeiture of any property if the property was used or was going to be used in the commission of a drug crime.

# Health Risks Associated with Drug and Alcohol Abuse

Every drug is a potential poison with distinct medical hazards. When drugs are incorrectly taken into the body, consumed in the incorrect amount, or taken in combination with other substances, the user is at serious risk.

Approximately 60% of all deaths related to drug abuse are caused by the direct overdose narcotic effect of the drug. This could be an overdose of alcohol, cocaine, prescription drugs, or, far more commonly, a combination of alcohol and other drugs. Another 10% of deaths caused by drug abuse are the result of infections, including AIDS, from using contaminated needles and other drug paraphernalia. The other 30% of deaths caused by drug abuse are brought about by violence associated with this nationwide epidemic.

By knowing the consequences of alcohol and drug use, one can avoid alcohol and drug-related problems. Alcohol and other drug use is a key factor in many accidents and injuries and is frequently a primary cause of poor quality coursework and job performance.

Further information on health risks can be found in the TTUHSC El Paso Office of Student Services and Student Affairs.

# Counseling, Treatment, and Assistance Programs

TTUHSC El Paso supports the availability of various programs to assist students, faculty and employees in order to maintain a drug-free campus and workplace.

### Student Counseling Services

Student Counseling Services available for TTUHSC El Paso student and dependents are offered through a variety of local contracted providers. These services, provided though students’ payment of the Student Services Fee, enhance wellness by providing students the opportunity to manage life’s problems before they become serious and impair academic and professional performance.

These services include:

* Short-term counseling sessions (Individual, Couple, and Family Counseling)
* Providers in El Paso and via telepsychiatry so that you can choose the right provide for you and make your own appointment.
* Confidentiality assured. TTUHSC El Paso receives no information with student names related to student counseling services.

Students initiate service by contacting providers directly and identify as a TTUHSC El Paso student or family member. More information about the SSSA can be found at <https://elpaso.ttuhsc.edu/studentservices/> or by calling 915-215-4370 or stopping by the office located in Medical Sciences Building II in Room 2C201.

***Staff/Resident/Faculty Assistance***

The TTUHSC El Paso Department of Human Resources’ Employee Assistance Program (EAP) manages the alcohol and drug abuse rehabilitation program for TTUHSC El Paso employees, residents and faculty. The EAP is intended for situations when an employee experiences problems that are beyond their ability to manage and the problems affect performance or behavior on the job. Utilization of the EAP is voluntary on the employee’s part however, the employee is encouraged to seek assistance before job performance is severely impacted.

Employees may seek assistance through their supervisor, the Human Resources Department, or by contacting the EAP directly.

* TTUHSCEP Employee Assistance Program (EAP)

o 915-215-5865 or

o 915-215-5861 (24-hour)

***National Hotline Numbers***

1-800-NCA-CALL (1-800-622-2255) - National Council on Alcoholism and Drug Dependence, [www.ncadd.org](file:///C%3A%5CUsers%5Cghelfric%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CC1NG4X24%5Cwww.ncadd.org)

1-877-SAMHSA-7 (1-877-726-4727) - Substance Abuse and Mental Health Services Administration <http://www.samhsa.gov>

# Institutional Operating Policy on Alcohol and Illegal Drugs

 **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)**

**HSCEP OP 10.03 Page 2 August 14, 2015**

**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.**

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**(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.**