



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 10.04: Drug-Free Schools and Communities Act

DATE: December 11, 2019

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and standardized procedures in compliance with the provisions of the Drug-Free Schools and Communities Act, as amended.

REVIEW: This OP will be reviewed in November of even-numbered years by the Director of Student Health Services, the Assistant Vice President for Human Resources, the Senior Vice Provost, and the Vice Provost for Student Affairs with substantive revisions presented to the President.

POLICY/PROCEDURE

1. Authority

The Texas Tech University (TTU) policy on drug and alcohol abuse prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs by employees and students on TTU property or as a part of any officially sponsored TTU activities.

The Drug-Free Schools and Communities Act, as amended, Public Law 101-226, requires 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 possession, use, or distribution of illicit drugs and the abuse of alcohol by students and employees. In addition to meeting the requirements of the federal law, TTU 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 community. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, assessment, and referral.

This policy is in addition to, and not in lieu of, any other TTU policy. TTU reserves the right to take disciplinary action against faculty and staff or students for violations under this or other applicable policies of the university.

2. Implementation

It is the policy of TTU to create an environment for employees and students that is free from illicit drugs and the abuse of alcohol. Accordingly, the university will provide programs designed to prevent the illegal possession, use, or distribution of alcohol and illicit drugs, as required by PL 101-226, for all faculty, staff, and students at the university.

The President of TTU shall designate the Vice Provost for Student Affairs to be responsible for the development and continuing implementation of these programs.

All documents on programs referenced herein are on file in the Office of the President. The university will annually distribute in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, the following:

- a. Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of alcohol and illicit drugs by faculty, staff, and students on TTU property or as part of any officially sponsored TTU activities;
- b. A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- c. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- d. A description of the drug and alcohol prevention, counseling, intervention, education, assessment, and referral, or re-entry programs available to faculty, staff, and/or students; and
- e. A clear statement that the institution will impose sanctions on faculty, staff, and/or students (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 required by paragraph 2.b.1(i).

The university will conduct a biennial review of the TTU drug prevention program to determine its effectiveness and implement changes to the program(s) if they are needed and to ensure that the sanction required by paragraph (2.b.1.ii) are consistently enforced.

This review shall be conducted by a committee appointed by the President of TTU from among nominees provided by the administration, the Vice Provost for Student Affairs, Faculty Senate, Staff Senate, Human Resource Services, and Student Government Association.

3. Penalties

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

After consultation with appropriate personnel, supervisors may recommend an option of university-approved drug counseling and rehabilitation in lieu of or in addition to the specified sanctions in the applicable university manual. Each case will be determined separately.

In addition to any penalty resulting from violation of this policy, the university may also refer any evidence of illegal activities by any faculty, staff, 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 Provost and Senior Vice President, Office of the General Counsel, Human Resources, and/or the Office of Student Conduct.

Procedures for addressing infractions include the following:

a. Faculty

If the offender is a faculty member, the supervisor (usually the department chair) shall initially recommend to the dean and, thereafter, to the Provost and Senior Vice President in appropriate sanction. When termination is recommended, the faculty member may appeal to the university Grievance Committee.

b. Staff

If the offender is a staff member, procedures outlined in [OP 70.10, Non-faculty Employee Complaint Procedures](#), and [OP 70.31, Employee Conduct, Coaching, Corrective Action, and Termination](#), shall be followed.

c. Student

If the offender is a student, the disciplinary procedures outlined in the Code of Student Conduct shall be followed. If the student found in violation of this policy is also a student employee of the university, sanctions may include termination of employment.

In any case, all due process procedures will be followed.

4. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of faculty, staff, and students.