



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

**OP 10.04: Drug-Free Schools and Campuses Act**

**DATE:** November 29, 2006

**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 Campuses Act, as amended.

**REVIEW:** This OP will be reviewed in November of even-numbered years by the associate vice president for student affairs, the director of Student Health Services, the managing director of Personnel, and the senior vice provost for academic affairs with recommended revisions presented to the president by December 15.

**POLICY/PROCEDURE**

**1. Authority**

- a. The Texas Tech University (TTU) policy on drug and alcohol abuse prohibits the unlawful possession, use, or distribution of alcohol and illegal drugs by employees and students on TTU property or as a part of any officially sponsored TTU activities.
- b. The Drug-Free Schools and Campuses 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 unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students. 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.
- c. 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 illegal drugs, as required by PL 101-226, for all faculty, staff, and students at the university.

- a. The president of TTU shall designate the special assistant to the president to be responsible for the development and continuing implementation of these programs.

- b. All documents on programs referenced herein are on file in the Office of the President. The programs will include, at a minimum, the following activities:
- (1) Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students on TTU property or as part of any officially sponsored TTU activities;
  - (2) The applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of alcohol and illegal drugs;
  - (3) The health risks associated with the use of illegal drugs and the use of alcohol;
  - (4) Drug and alcohol prevention, counseling, intervention, education, assessment, and referral, or re-entry programs available to faculty, staff, and/or students;
  - (5) Conducting a biennial review of the TTU drug prevention program. This review shall be conducted by a committee appointed by the president of TTU from among nominees provided by the administration, Faculty Senate, Staff Senate, Personnel Department, and Student Government Association.
  - (6) Reporting to the president on the effectiveness of the program, including a determination that the policy and applicable disciplinary sanctions are being followed. 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 university-approved drug and alcohol abuse counseling and rehabilitation programs to dismissal from the university.

- a. 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.
- b. 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/Senior Vice President for Academic Affairs, Office of the General Counsel, Personnel Department, and/or Student Judicial Programs.
- c. Procedures for addressing infractions include the following:
  - (1) 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/senior vice president for academic affairs an appropriate sanction. When termination is recommended, the faculty member may appeal to the university Grievance Committee.

(2) Staff

If the offender is a staff member, procedures outlined in OP 70.10 and OP 70.31 shall be followed.

(3) 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.

d. 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.

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