

Policy Statement on Alcohol and Other Drugs

Baylor University policy prohibits the unlawful manufacture, possession, use, sale, transfer, or purchase of a controlled substance or another dangerous drug such as a controlled substance analogue (designer drug) on or off the campus. A controlled substance is any substance so defined by federal or state statute or regulation. It is also a violation of University policy for anyone to possess, use, or be under the influence of an alcoholic beverage on the campus. Consumption or use of alcoholic beverages off campus or at a University-related activity off campus is discussed below. The University believes that spiritual, intellectual, emotional, physical, and social development have their greatest growth free from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcohol. This policy is implemented in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

As a first step toward reaching that goal, the University makes every effort to seek full compliance with University policy and federal, state, and local laws and ordinances; to discourage the unlawful use of alcohol; to promote sobriety; to provide social and recreational alternatives to the use of alcohol and other drugs; and to offer confidential, effective, and redemptive assistance to employees and students who seek help for substance-abuse problems, while focusing on the development of a comprehensive program of non-residential services.

Because the University is committed to a caring relationship among its students, staff, faculties, administrators, and regents—a caring that is characterized by understanding, forgiveness, and respect for individuality—its disciplinary procedures are intended to be constructive and redemptive. For students who seek help for substance-abuse problems, complete confidentiality will be strictly observed to the limit of the law. Insofar as federal and state statutes and professional ethical standards permit, no professional on the Baylor counseling or medical staff will in any way notify the administration of the name of a specific student who comes for assistance for substance abuse or any other type problem, and no records will be forwarded to the administration regarding the services or the problem.

A. Student Provisions Related to Alcohol

Students are advised that it is a violation of University policy for a student to possess, use, or be under the influence of an alcoholic beverage on the campus or at a University-related activity off campus. Further, the unlawful

consumption or possession of alcohol, whether on or off campus, by a student is prohibited. An off-campus University-related activity is defined in the "Process for Student Organization Violations." Any student violating this policy is subject to disciplinary action ranging from warning to expulsion.

B. Employee Provisions Related to Alcohol

Employees are advised that it is a violation of University policy for an employee to possess, use, or be under the influence of an alcoholic beverage on the campus or at a University-related function off campus which has not been authorized according to University procedures. The use of alcohol at an authorized University-related function or in the course of official University business that adversely affects job performance or may adversely affect the health or safety of any other person is prohibited. Employees should exhibit responsible behavior and good judgment when representing Baylor University at functions sponsored by another organization where alcohol is served.

LEGAL SANCTIONS APPLICABLE TO DRUG AND ALCOHOL USE

A. Federal Penalties and Sanctions

21 United States Code 844(a):

1st conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years, and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

Special sentencing provisions for possession of flunitrazepam: Imprisoned for not more than 3 years and/or fined.

21 United States Code 853(a)(2) and 881(a)(7):

Forfeiture of personal and real property used to possess or to facilitate

possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

21 United States Code 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

18 United States Code 922(g):

Ineligible to receive or purchase a firearm.

Miscellaneous:

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

B. State Penalties and Sanctions

Texas Penal Code Sec. 49.02:

Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine of up to \$500.

Texas Alcoholic Beverage Code Sec. 1.05, 101.31:

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of up to \$2,000 and/or up to 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071:

The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and at least \$250 up to \$2,000 for the second offense and/or 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.06:

Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine of up to \$4,000 and/or up to one year in jail.

Texas Education Code Sec. 37:122:

The possession of an intoxicating beverage on the grounds of any public school is a Class C misdemeanor and carries a penalty of up to \$500.

Texas Penal Code Sec. 49.04:

Driving under the influence of alcohol is a Class C misdemeanor and punishable by a fine of up to \$500 and a minimum confinement of 72 hours and/or up to 180 days in jail for the first offense and up to a \$2,000 fine and a minimum of 30 days confinement and and/or up to 180 days in jail for subsequent offenses.

If found with an open container in the person's immediate possession, the minimum confinement period extends to six days.

Texas Alcoholic Beverage Code Sec. 106.07:

A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor and may be punished by a fine of up to \$500.

Texas Health and Safety Code Sec. 481.102-106, 481.115-118:

The illegal distribution, possession, or use of controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120:

The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.122:

The distribution of marijuana to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

C. Local Penalties and Sanctions

Waco Code Sec. 5-11:

Consumption of or possession of an alcoholic beverage with intent to consume in a public place at anytime on Sunday between 2:15 a.m. and noon or on any other day between 2:15 a.m. and 7 a.m. is a misdemeanor punishable by a fine of up to \$96.

Waco Code Sec. 5-13:

Intoxication either in public or at any private house except his or her own is punishable by a fine of up to \$220.

Waco Code Sec. 5-14:

Consumption of an alcoholic beverage on any city street, sidewalk, or other public way is prohibited.

Waco Code Sec. 5-15:

The sale of any alcoholic beverage to a person who is under the influence of intoxicating liquor, for either on-premises or off-premises consumption, is prohibited.

Waco Code Sec. 5-16:

The sale of any alcoholic beverage to any person under the age of 21 years is prohibited.

Waco Code Sec. 5-17:

No person engaged in the business of selling alcoholic beverages may employ and person under the age of 21 years to sell, handle, transport, or dispense or assist in selling, handling, transporting, or dispensing any alcoholic beverage.

Waco Code Sec. 5-18:

The purchase of any alcoholic beverage by a person under 21 years of age is punishable by a fine of not less than \$60 or more than \$140.

Waco Code Sec. 5-19:

The possession or consumption of any alcoholic beverage in a public place by a person under the age of 21 years is punishable by a fine of not less than \$60 or more than \$140, unless such person is accompanied by his or her parent, guardian, or adult husband or wife who is actually visible and personally present at the time such alcoholic beverage is possessed or consumed.

Waco Code Sec 5-20:

Bringing, carrying, or possessing an alcoholic beverage in any enclosure, field, or stadium where athletic events are sponsored or participated in by any public school is prohibited.

HEALTH RISKS ASSOCIATED WITH DRUG OR ALCOHOL USE

A. Drugs

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as cocaine and crack can cause increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, and increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal

symptoms include apathy, long periods of sleep, irritability, depression, and/or disorientation.

Hallucinogens such as LSD and amphetamines cause illusions and hallucinations and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, and decreased appetite.

B. Alcohol

Alcohol consumption may cause a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

COUNSELING AND TREATMENT RESOURCES

A. The following services are available through Baylor University Counseling Services for those students who believe they have substance abuse problems.

1. Assessment
2. Referral
3. Individual therapy
4. Group therapy
5. Support groups
6. Psycho educational group

Students may obtain the above services on a confidential basis by either calling Counseling Services at extension 254-710-2467 or arranging for an appointment.

B. The Beauchamp Addiction Recovery Center also provides services to students who believe they have substance abuse problems. The services primarily focus on recovery and helping students maintain sobriety. Students may obtain services by calling the BARC at extension 254-710-7092.

C. Similar services are available to employees. Baylor University offers an Employee Assistance Program which offers counseling and other services to full time faculty and staff (and their household family members). The phone number for the EAP is 888-628-4844. Additional services in the community may be available through either DePaul Center, 301 Londonderry, (254-776-5970); Heart of Texas Council on Alcohol and Drug Abuse, 524 W. Waco Drive, (254-753-7332); or other providers as selected by the individual. Such services may be covered under the Baylor group health insurance program.

UNIVERSITY SANCTIONS

A student or employee found guilty of noncompliance with the Baylor University policy on alcohol and other drugs is subject to sanctions commensurate with the offenses and any aggravating and mitigating circumstances.

A. Students

Sanctions that may be imposed against a student are found in the Student Disciplinary Policy detailed in this handbook. They include

1. Warning

Oral warning to the student that he or she is engaging in misconduct by violating university rules, regulations, or policies.

2. Reprimand

Written warning that continuation or repetition of misconduct may result in a more severe sanction.

3. Probation

Written notice explaining the serious nature of misconduct and outlining the terms of probation. It is possible for the terms of probations to prohibit a student from participation in cocurricular activities.

4. Restitution

Requirement to reimburse or otherwise compensate another for damage or loss of property resulting from a student's misconduct. Common assessment or group billing may be made to students in a residence hall for damages occurring in common areas shared by groups of residents.

5. Eviction

Probation or removal from residence halls or other campus facilities as designated in the written notification. The occupancy license fee will not be refunded to a student who is evicted from the residence halls.

6. Suspension

Termination of student status at the university for a specified period of time.

7. Expulsion

Termination of student status at the university permanently or for an indefinite period of time. A student who has been suspended or expelled will be given notification of the time within which the student is expected to leave the campus after his or her relationship to the university has been terminated.

B. Employees

A Baylor employee who violates this policy is subject to discipline by the university. Such discipline may include required participation in a drug abuse assistance or rehabilitation program or termination from employment.

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