

EXISTING RULE:

Appendix VII: Texas A&M University Drug Rules

(Revised: 1994)

I. Introduction

Texas A&M University strives to assist students in achieving their potential as human beings and in becoming self-directed in all activities. Because growth and development are shaped by a student's environment, the university seeks to develop an environment where students can learn how to live fulfilling and productive lives. Substance abuse disrupts this environment and threatens not only the lives and well-being of our students, faculty and staff but also their potential for contribution to society. It is important for all members of the university community to take responsibility for preventing substance abuse from negatively affecting the community's learning environment and the academic, physical and emotional well-being of its membership.

In recognition of the problems of substance abuse, members of the university community have developed a university-wide drug rules. These rules deal with education, prevention, intervention and treatment activities as well as disciplinary sanctions. The university has established comprehensive substance abuse prevention programs to help eliminate the threat that substance abuse poses to the university community. Through education, the university is committed to helping individuals achieve their personal and academic goals.

II. Education, Prevention and Referral for Treatment

Texas A&M University is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. Student Life Alcohol and Drug Education Programs provides information to the university community. Through this broad-based program, the university will provide a setting in which education leads to the prevention of substance abuse.

Assessment and intervention services for students are available through the Student Counseling Service. If further treatment is necessary, the student may be referred to outside counselors and programs. All contacts with the Alcohol and Drug Education Programs and the Student Counseling Service are confidential and may not be the basis of disciplinary charges. Faculty and staff may receive help from the Employee Assistance Program and services in the community. Faculty and staff members may contact the Employee Benefits Office in the Human Resources Department to check on health insurance coverage.

III. Legal Aspects/Consequences

All members of the university community are expected to abide by state and federal laws pertaining to controlled substances and illegal drugs. More specifically, *Texas A&M University Student Rules* prohibit "manufacturing, possessing, having under control, selling, transmitting using or being party thereto any illegal drug, controlled substance or drug paraphernalia on university premises or at university-sponsored activities."

The term "controlled substances," when used in these rules, shall refer to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Civil Statutes, Article 4476-15), as well as substances that possess a chemical structure similar to that of a controlled substance (e.g., "designer drugs").

IV. University Disciplinary Process

University disciplinary charges may be pursued against faculty, staff and students alleged to have violated *University Student Rules* and/or state and federal laws concerning controlled substances. Violations of any state or federal law pertaining to controlled substances that occur off campus and are not associated with a university-connected activity may result in

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Proposal to Revise Rules

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disciplinary charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and the orderly operation of the university.

University disciplinary proceedings will be in accordance with procedures outlined in the *University Student Rules* (students) and the *University Rules* (faculty and staff). Voluntary admission to a substance abuse treatment program prior to the issuance of charges may be looked upon favorably in disciplinary cases. Disciplinary action in cases involving drug-related violations by students will result in suspension, dismissal or expulsion from the university, depending on the nature and seriousness of the case. Participation in a substance abuse education or treatment program may be required in addition to other sanctions. Any disciplinary action imposed by the university may precede and be in addition to any penalty imposed by an off-campus authority.

RULE CHANGES:

<http://student-rules.tamu.edu/append7>

JUSTIFICATION FOR PROPOSED CHANGE:

1. The changes to content of the Student Rules being proposed are a reflection of national best practices, most notably referencing the *21st Century Model Student Conduct Code* (Stoner, E. & Lowery, J., 2004) and the *General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education* (45 F.R.D. 133). This General order is recommended reading to anyone seeking to understand the relationship between judicial systems and campus systems regulating student conduct
2. Texas A&M University was involved in litigation over the University's Student Rules in one particular case until appeals were exhausted at the Supreme Court level in spring 2010. The Student Rules were not to be altered in any way until this litigation was resolved.
3. The U.S. Department of Education, through its Office of Civil Rights, issued a "Dear Colleague Letter" on April 4, 2011 providing guidance in procedures in dealing with cases of sexual harassment and sexual violence throughout institutions of education (this includes K-12).
4. There were a number of grammatical and punctuation changes made as well as changes made for consistency of language used in higher education conduct proceedings versus legal system language.

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Approved by President: 12/21/12