

October 2018

Dear TAMU Law Student:

Texas A&M University is committed to the elimination of alcohol abuse and illicit drug use. Alcohol abuse and illicit drug use disrupt the special environment of personal growth that all universities seek to develop. We all must help prevent alcohol abuse and illicit drug use from negatively affecting our living and learning environment.

The summary below provides basic information on University policy, health risks, and legal sanctions associated with alcohol and other drug abuse. Also included is information on intervention, assessments, counseling, and referrals through campus programs.

You are receiving this document in accordance with the Federal Government requirements of the Drug Free Schools and Community Act Amendments of 1989 and the Higher Education Opportunity Act of 2008. In order for Texas A&M University to receive federal funding of any kind, including financial aid resources, all students must receive a copy of this policy. Please consider saving this email as it contains valuable information that may be of assistance to you or a friend.

If you have questions or concerns regarding this notification, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read "Rosalind Jeffers", is written over a horizontal line. To the left of the signature is a large, bold, black "X" mark.

Rosalind Jeffers, J.D.
Assistant Dean for Student Affairs

Drug and Alcohol Abuse Prevention Program (DAAPP) Notice – for students

Prevention of Alcohol Abuse & Illicit Drug Use at Texas A&M University

Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol

Alcohol abuse is a prime contributor to suicide, homicide, motor vehicle deaths, and other unintended deaths. Excessive alcohol consumption leads to more than 100,000 deaths annually in the United States. Alcohol abuse can lead to alcohol dependence, premature death through overdose, alcohol-related stroke, and complications involving the brain, heart, liver, and many other body organs. Alcohol abuse also causes liver disease, gastritis, and anemia, as well as cancers of the esophagus and larynx.

The abuse of illicit drugs can result in a wide range of health problems. In general, illicit drug use can result in drug addiction, death by overdose, death from withdrawals, seizure, heart problems, infections (e.g., HIV/AIDS, hepatitis), liver disease, and chronic brain dysfunction.

Alcohol used in any amount by a pregnant woman can cause birth defects and permanent brain damage to the child. Drug use by a pregnant woman may cause addiction or health complications in her unborn child.

Alcohol abuse interferes with psychological functions, causes interpersonal difficulties, and is involved in most cases of child abuse. Substance abuse disrupts work, reduces motivation, causes legal and financial problems, and social and family problems. Other problems associated with alcohol and drug use include the following psychological dysfunctions: dependency, memory loss, hallucinations, paranoia, and psychosis.

For additional health risks associated with alcohol and drug abuse:

Department of Justice, *Drugs of Abuse*, <https://www.dea.gov/documents/2017/06/15/drugs-abuse>

National Institute on Alcohol Abuse and Alcoholism, *Alcohol's Effect on the Body*, <https://www.niaaa.nih.gov/alcohol-health/alcohols-effects-body>

Centers for Disease Control and Prevention, *Fact Sheets - Alcohol Use and Your Health*, <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

Visit the National Institute on Drug Abuse, <https://www.drugabuse.gov/>

For information located here at Texas A&M University about health risks associated with drug abuse, call the office of Health Promotion within the Offices of the Dean of Student Life at 979.845.0280.

Disciplinary Sanctions

A student found guilty of noncompliance with the Texas A&M University Standards of Conduct surrounding alcohol and drug policies or the laws of the State of Texas has committed a violation of University Student Rules and is subject to sanctions commensurate with the offenses and any aggravating and mitigating circumstances.

Disciplinary action in cases involving drug related violations by students may result in suspension or expulsion from the University and/or referral for prosecution.

Violation of any state or federal law pertaining to controlled substances which occur off campus and are not associated with a University connected activity may result in disciplinary charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and/or the orderly operation of the University.

University disciplinary proceedings will occur in accordance with the procedures outlined in the University Student Rules. Any disciplinary action imposed by the University may precede, and be in addition to, any penalty imposed by authorities off campus.

Standards of Conduct – University Drug Policy

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

"the act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances."

"Controlled substances" refers to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under the Texas Controlled Substances Act, as well as substances which possess a chemical structure similar to that of a controlled substance (e.g., "designer drugs").

According to federal regulations, students convicted for a drug offense that occurred during a period of enrollment while they were receiving Title IV Federal Financial Aid, may lose eligibility for Federal Aid. Federal Aid includes:

- Federal Pell and SEOG Grants
- Federal Work Study
- Federal Perkins Loan
- Federal Stafford Loan
- Federal Plus Loan
- Graduate Plus Loan

If a student answers 'Yes' to the question on the FAFSA, regarding conviction for possession or sale of illegal drugs they will be sent a worksheet by the federal processing center in order to determine if the conviction affects eligibility for aid. Should the financial aid office be notified that a student has been convicted of sale or possession of illegal drugs, the financial assistance will be suspended immediately. If a conviction was reversed, set aside, or removed from the student's record it does not count. Convictions occurring during periods of non-enrollment do not count. In addition, any conviction received as a juvenile does not count, unless they were tried as an adult.

The period of ineligibility is dependent upon the type of conviction (sale or possession) and if there were previous offenses. The information below demonstrates the periods of ineligibility:

Possession of Illegal Drugs

1st offense- 1 year from date of conviction
2nd offense- 2 years from date of conviction
3+ offenses- Indefinite Period

Sale of Illegal Drugs

1st offense- 2 years from date of conviction
2nd offense- Indefinite period

If the student was convicted of both selling and possessing illegal drugs, the student will be ineligible for the longer period.

Regaining Eligibility

The student may regain eligibility:

- the day after the period of ineligibility ends,

- when they successfully complete a qualified drug rehabilitation program, or
- if the student passes two unannounced drug tests given by a qualified rehabilitation program they may regain eligibility.

Students denied eligibility for an indefinite period can regain it after:

- successfully completing a rehabilitation program as described below,
- passing two unannounced drug tests from such a program, or
- if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

Qualified Drug Rehabilitation Program

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company
- Be administered or recognized by a federal, state, or local government agency or court
- Be administered or recognized by a federal or state-licensed hospital, health clinic, or medical doctor.

Additional drug convictions will make the student ineligible for federal aid again. It is the student's responsibility to certify to the school that the student has successfully completed the rehabilitation program. In addition to the eligibility requirements listed above, students who are awarded the Toward EXcellence Access and Success (TEXAS) Grant must certify annually, prior to the disbursement of funds, that they have not been convicted of a felony or crime involving a controlled substance.

Standards of Conduct – University Alcohol Policy

Individuals must be at least 21 years old to purchase alcoholic beverages. Possession and consumption of alcoholic beverages is restricted. Texas A&M University Student Rules state that "alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by University regulations), is prohibited on Texas A&M University premises and University sponsored events." University sponsored events include institution-sponsored on or off campus activities, such as officially sanctioned field trips, student sponsored social activities, activities of a student organization recognized by the institution (such as fraternities or sororities), and institutional-sponsored activities abroad. Student organizations, which sponsor activities where alcohol is served, must have the approval of their (faculty/staff) advisor and abide by established University procedures.

Students, ages 21 or older, who choose to consume alcoholic beverages in residence hall rooms are expected to do so in moderation to ensure residents' rights to privacy, sleep, and study. The following behaviors are reasons for appropriate disciplinary or remedial action by the University: loud or

disruptive behavior, interference with the cleanliness of the residence halls, or drinking habits which are injurious to the health or education of an individual or those around him/her.

Resources and Counseling Services

To help individuals who may have an alcohol or other drug abuse problem, the following resources are available to TAMU Law students located in **Fort Worth, Texas**.

Texas Lawyers Assistance Program (TLAP)

800.343.8527

<https://www.tlaphelps.org>

Lawyers Concerned for Lawyers

First United Methodist Church

800 W. 5th Street, Fort Worth

817.731.3220

Every Friday at noon

MHMR of Tarrant County – Addiction

817.335.3022 (call or text)

www.mhmrtarrant.org

3840 Hulen Street, North Tower, Fort Worth

Alcoholics Anonymous

817-221-3533

www.fortworthaa.org

Narcotics Anonymous

817-335-6360

www.fwana.org

Volunteers of America (outpatient addiction treatment and recovery services)

4700 S. Riverside Drive

Fort Worth, TX 76119

(817) 534-3432

2401 Scott Avenue

Fort Worth, TX 76103

(817) 369-8443

<https://www.voatx.org/dfw>

The Salvation Army Fort Worth Adult Rehabilitation Center

2901 NE 28th Street

Fort Worth, TX

817-834-6271

Student Assistance Program/Humana

855-270-3349

www.Humana.com/sap

Recovery Resource Council

817-332-6329

2700 Airport Freeway

Fort Worth, TX 76111

www.RecoveryCouncil.org

Recovery Hotline

817-491-1538

844-244-3171

MHMR of Tarrant County (inpatient and outpatient substance abuse treatment and detox “fees are assessed based on our funding and ability to pay.”)

3840 Hulen St

Fort Worth, TX 76107

817-569-4300

<http://www.mhmrtc.org>

Arise Recovery Centers- Fort Worth

Humana and sliding scale

6115 Camp Bowie Blvd

Suite 220

Fort Worth, Texas 76116

866-959-9531

<https://ariserecoverycenters.com/about-us/faqs/>

To help individuals who may have an alcohol or other drug abuse problem, the following resources are available to TAMU Law students located in San Antonio, Texas.

Living in Good Healthy Treatment (LIGHT) Program-Volunteers of America

(Inpatient substance abuse treatment; free (**women only**))

(210) 558-0731

6487 Whitby Road, Bldg. 12

San Antonio, TX – 78240

<https://www.voatx.org/substance-abuse>

Salvation Army Rehab Center San Antonio Texas (inpatient; free)

1324 S Flores St

San Antonio, TX - 78204

(210) 223-6877

<http://sanantonio.satruck.org>

Rise Recovery outpatient; free

Asbury United Methodist Church

4601 San Pedro Avenue

San Antonio, TX 78212

(210) 227-2634

House of Prayer Lutheran Church

10226 Ironside

San Antonio, TX 78230

(210) 227-2634

Best Option LLC (outpatient; \$100 for assessment. Additional sessions are \$30 each)

3700 Fredericksburg Street

San Antonio, TX - 78201

(210) 265-1133

<https://www.thebestoptionsa.com>

Alpha Home (outpatient and in-patient rehab)

Humana insurance isn't accepted; they offer free services after reviewing sources and amount of income at intake appt.

419 E. Magnolia St.

San Antonio, TX 78212

(210) 735-3822

<http://www.alphahome.org>

Student Assistance Program/Humana

855-270-3349

www.Humana.com/sap

Legal Sanctions

A student who violates any of these alcohol or drug laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state and federal laws may include, but not limited to: fines, probation, jail or prison sentences.

Sale to Minors: It is a Class A misdemeanor to sell an alcoholic beverage to an individual under 21 years of age through an act of criminal negligence.

Public Intoxication Statute of Texas: An arrest for Public Intoxication may occur if an individual appears in a public place while intoxicated so much that the person may endanger himself or herself or another person. This is a Class C misdemeanor. Blood Alcohol Concentration testing is not required for Public Intoxication.

Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor: It is a Class A misdemeanor to purchase or make available an alcoholic beverage to an individual under 21 years of age through an act of criminal negligence. This offense is punishable by a fine of \$4,000 and/or confinement in jail for up to one year. A person's driver's license is automatically suspended for 180 days on final conviction of the offense of Purchasing Alcohol for a Minor or Furnishing Alcohol to a Minor.

Civil Liability for Provision of Alcohol to a Minor: An adult 21 years of age or older is liable for damages proximately caused by the intoxication of a minor under the age of 18 if the adult is not the minor's parent, guardian, or spouse; or an adult in whose custody the minor has been committed by a court; and the adult knowingly served or provided the minor any of the alcoholic beverages that contributed to the minor's intoxication; or allowed the minor to be served or provided any of the alcoholic beverages that contributed to the minor's intoxication on the premises owned or leased by the adult.

Possession of Alcoholic Beverage in Motor Vehicle: It is a Class C misdemeanor to knowingly possess an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked.

Driving While Intoxicated; Flying or Boating While Intoxicated: It is a Class B misdemeanor to operate a motor vehicle, aircraft, or watercraft in a public place while intoxicated. The minimum term of confinement is 72 hours. An ignition interlock device will have to be installed on the car of a person convicted of driving with a blood alcohol level of .15 or more, if the defendant is to receive probation.

Intoxication Assault: It is a Third Degree felony to cause serious bodily injury to another by accident or mistake while operating any vehicle (motor, aircraft, or watercraft) in a public place while intoxicated.

Intoxication Manslaughter: It is a Second Degree felony to cause death to another by accident or mistake while operating any vehicle (motor, aircraft, watercraft) in a public place while intoxicated.

Administrative License Revocation; Implied Consent: After being arrested for Driving While Intoxicated, failing or refusing the Blood Alcohol Concentration (BAC) test can result in license revocation. Revocation may NOT be probated and there is a \$125 reinstatement fee. An appeal process is available.

The following penalties apply:

Terms of Offense

Adults

Failure Case

- 90 days with no alcohol or drug related "enforcement contacts" listed on driving record within ten years prior to date of the offense.
- 1 year with one or more alcohol or drug related "enforcement contacts" listed on driving record prior to date of offense within ten years of date of the offense.

Refusal Case

- 180 days with no alcohol or drug related "enforcement contacts" listed on driving record within ten years prior to date of the offense.
- Two years with one or more alcohol or drug related "enforcement contacts" listed on driving record prior to date of offense within ten years of date of the offense.
- If the person who refuses is a resident without a license, an order will be issued denying the issuance of a license to the person for 180 days.

Minors

- Minors are subjected to the same length of suspension as adults for refusing a blood or breath test.
- Failure of a blood or breath test by a minor, however, is a 60-day license suspension with no "enforcement contacts," a 120 day license suspension with one prior "enforcement contact" or a 180-day license suspension with two or more "enforcement contacts." Keep in mind that any detectable amount of alcohol for a minor is a failure. Even if a minor refuses a breath or blood test, but alcohol is detected by other means, the minor is subjected to the failure suspension periods rather than the refusal suspension periods.

Alcohol and a Minor

Consumption of Alcohol by a Minor; Possession of Alcohol by a Minor: It is a misdemeanor for minors to consume or possess alcoholic beverages except in the visible presence of the minor's adult parent, guardian, or spouse.

Purchase of Alcohol by a Minor; Attempt to Purchase Alcohol: It is a misdemeanor for individuals under 21 years of age to attempt purchasing alcoholic beverages. "Attempt" implies acting beyond mere preparation.

Misrepresentation of Age by a Minor: It is a misdemeanor to falsely state or to present false documents indicating an individual is 21 years of age or older to a person selling or serving alcoholic beverages.

Punishment for the Above Alcohol-Related Offense by a Minor

For a minor without two previous alcohol-related offenses, these are Class C misdemeanors. Punishment includes 8 to 12 hours community service and denial or suspension of the minor's driver's license or permit for 30 days. Attendance at an Alcohol Awareness Course is also required.

If a minor has at least two prior alcohol-related convictions, the offense is punishable by a fine of \$250 to \$2,000; and/or confinement in jail for up to 180 days. Punishment includes 20 to 40 hours of community service.

The minor's driver's license or permit will be denied or suspended: 60 days for a 2nd alcohol-related conviction; 180 days for subsequent convictions.

Attendance at Alcohol Awareness Course; License suspension

On first conviction of an alcohol-related offense, the court shall require the minor to attend an alcohol awareness course approved by the Texas Alcohol and Drug Abuse Commission. If under 18 years of age, a parent or guardian may be required to attend the course with the defendant. The defendant must present evidence of completion of the course and community service within 90 days of the date of final conviction. If the required evidence is presented within the prescribed period, the fine may be reduced up to half the original amount. Failure to comply results in denial or suspension of driver's license or permit for up to six months.

Driving under the Influence of Alcohol by a Minor

A minor commits an offense if the minor operates a motor vehicle in a public place while having any detectable amount of alcohol in the minor's system. For a minor without previous alcohol-related offenses, these are Class C misdemeanors. Punishment includes 20 to 40 hours of community service and denial or suspension of driver's license or permit for 60 days. If a minor has at least two prior alcohol-related convictions, the offense is punishable by a fine of \$500 to \$2,000; and/or confinement in jail for up to 180 days. Punishment includes 40 to 60 hours community service. The minor's driver's license or permit will be denied or suspended: 120 days for 2nd alcohol-related conviction; 180 days for subsequent convictions.

The minor is not eligible for deferred adjudication.

Legal Charges & Penalties

Charges- Fines- Imprisonment

Felony

Second Degree - up to \$10,000 - 2 to 20 years

Third Degree - up to \$10,000 - 2 to 10 years

State Jail Felony - up to \$10,000 - 180 days to 2 years

Federal trafficking penalties for Schedules I, II, III, IV, and V

<https://www.dea.gov/drug-scheduling>

Misdemeanor

Class A-up to \$4,000- up to 1 year

Class B-up to \$2,000- up to 180 days

Class C-up to \$500- none