



**Stephen F. Austin State University
Biennial Review of Alcohol and
Other Drug (AOD) Programs
2022-2024**

Biennial AOD Review Committee:

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Introduction

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require institutions of higher education to document their efforts related to the prevention of alcohol abuse and the use and or distribution of illegal drugs by both employees and students. At a minimum, schools must annually distribute the following in writing to all students and employees:

- Standards of conduct prohibiting the unlawful possession, use or distribution of illicit drugs or alcohol by students and/or employees;
- A description of the legal sanctions under local, state or federal law related to the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment or rehabilitation or re-entry programs available to students and/or employees;
- A clear statement that the institution will impose sanctions on students and employees; and
- A description of those sanctions, up to and including expulsion/termination of employment, for violations of these standards of conduct

The law further requires institutions to conduct a biennial review of its alcohol and other drug prevention efforts with the following objectives:

- Determining the effectiveness of the policy and implementing changes to the alcohol and other drug program if needed; and
- Ensuring that sanctions are consistently and evenly applied

The biennial review must also include information regarding the number of AOD-related violations and fatalities occurring on the campus, as well as the number and type of sanctions imposed on students and employees for violations of the applicable standards of conduct. The following campus units provided information for this report:

- Athletics
- Counseling Services
- Dean of Students
- Diversity, Equity, and Inclusion
- Fraternity and Sorority Life
- General Counsel
- Health Clinic
- Human Resources
- Residence Life
- Student Engagement
- Student Life
- Student Conduct and Outreach
- University Police Department

The intent of this document is to meet the legal requirements of conducting the biennial review, as well as to document the alcohol and drug prevention efforts at Stephen F. Austin State University (SFA) for the 2022-2023 and 2023-2024 academic years.

Annual Notifications

Employee Notification and Policy

Human Resources- All new employees receive notice of the [Drug and Alcohol Testing Policy](#) (SFA HOP 05-005) and [Illicit Drug and Alcohol Abuse Policy](#) (SFA HOP 05-512) during new employee orientation. A signed acknowledgement of receipt is required. Failure to sign an acknowledgement of receipt shall not nullify the notice provided by the university. Existing employees are notified of the Drug and Alcohol Testing HOP and its revisions through their SFA email, no later than October 31st of each year.

The following data reflects the employee annual notifications from fall 2022 - fall 2024 reporting period:

	Fall 2022	Fall 2023	Fall 2024
Number of Employees Notified	Faculty: 763 Staff: 995 Total: 1758	Faculty: 737 Staff: 895 Total: 1632	Faculty: 730 Staff: 919 Total: 1649

The policy statement distributed to all university employees is found in Appendix A.

Student Notifications and Policies

Stephen F. Austin State University policies and procedures regarding alcohol and drugs are seen in every area of campus life. These policies may be found in [the Code of Student Conduct and Academic Integrity](#) (SFA HOP 04-106), [the SFA Student Handbook](#) , [Residence Life Community Guidelines](#), and the [SFA Athletics Policy Manual](#). Students are notified of policies via MySFA email by the official attendance reporting date. MySFA is an online portal that all University students and employees use to access email, course information and a variety of university functions. Official notification schedule:

- On the first business day following the 12th class day of each long semester
- On the first business day following the 8th class day following mid-term in each long semester
- On the first business day following the 2nd class day of Maymester
- On the first business day following the 4th class day of Summer I and II semesters

The following data were compiled for the annual notification in this reporting period:

	Fall 2022	Spring 2023	Summer 2023	Fall 2023	Spring 2024	Summer 2024
Number of Students Notified	12,620	11,428	4,584	11,946	10,586	4,347

The email sent to students reads as follows:

Below you will find a list of policies that you should become familiar with as you start or continue your academic journey here at SFA. Please be advised that the following policies may be updated periodically and the Dean of Students Office encourages you to refer to the [online Handbook of Operating Procedures \(HOP\)](#) for any updates.

[01-106 \(Article V.I\) Hazing](#)

[01-305 Nondiscrimination](#)

[01-307 Title IX](#)

[02-102 Class Attendance](#)

[04-106 Code of Student Conduct and Academic Integrity](#)

[04-111 Involuntary Withdrawal](#)

[05-509 Firearms, Explosives and Ammunition](#)

[05-512 Illicit Drugs and Alcohol Abuse](#)

[05-517 Smoking, Vaping and Use of Tobacco Products](#)

[06-103 Digital Millennium Copyright](#)

Additionally, you may want to visit the [University of Texas System Police Department at SFA](#) page to learn about the services and programs that are available to you regarding campus and personal safety.

Again, welcome to campus and please do not hesitate to contact the Dean of Students Office if we can be of any assistance to you. You may reach us at 936-468-7249 or drop by the office located in the Baker Pattillo Student Center in room 3.105 The Dean of Students Office is dedicated to being a part of your success! Axe 'em, The Dean of Students Office.

Code of Student Conduct and Academic Integrity

SFA outlines standards of conduct in the Code of Student Conduct and Academic Integrity (complete code found in Appendix B), found in [SFA HOP 04-106](#), which includes the following regulations:

Conduct- Rules and Regulations- Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

Alcohol- Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university policies such as [Use of Alcoholic Beverages](#) (SFA HOP 05-521), and [Illicit Drugs and Alcohol Abuse](#) (SFA HOP 05-512) (Appendix C), is prohibited on university premises and university sponsored events. Students are expected to comply with all state and local laws, as well as all Residence Life regulations regarding the presence of alcohol in the residence halls

(see also, [Residence Life Community Guidelines](#)) including, but not limited to:

- a. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
- b. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.
- c. Being found in a state of public intoxication or drunkenness is prohibited.
- d. Possession of common containers (e.g. kegs, trash cans, etc.) on campus is prohibited.
- e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol is prohibited.
- f. Violating any provision of the Code of Student Conduct while under the influence of alcohol is prohibited.

Illegal Drugs- The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. The act of abusing legally obtained drugs by failing to take the drug as directed. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled substances, drug paraphernalia or dangerous drug is also prohibited. (See also [Illicit Drugs and Alcohol Abuse HOP 05-512](#) (in Appendix C).

Campus Recreation and Wellness Programs

Policies specific to the Campus Recreation department are highlighted in the [SFA Campus Recreation Policies](#). Participants in Campus Recreation programs, whether in outdoor pursuits, sport clubs and/or intramurals, must follow the Campus Recreation policies. In relation to alcohol and drugs, the following are strictly prohibited, as highlighted in the policy guide:

- Alcohol or drugs
- Individuals under the influence of alcohol or drugs
- Tobacco products of any kind, including e-cigs

On-Campus Residence Halls Standards of Community Living

When signing up to live in on-campus residence halls, students must sign a contract. The following information is listed in the [Residence Life Community Guidelines](#), which are referenced in the contract:

Safety Inspections

Residence Life staff members will conduct regular health and safety inspections in all residence hall rooms. The purpose of the inspection is to ensure the residents' safety and assess the condition of each room. Items found that are prohibited by the community guidelines will be confiscated, and the resident will be subject to disciplinary action. Students will be issued a

warning on the first violation, and violations thereafter, and will be billed \$75 for each subsequent violation, with the exception of candles/incense, which will be billed on the first violation. Confiscated items may be picked up from the area coordinator when the resident plans to take them home, with the exception of alcohol, which will be disposed of upon discovery if found in the possession of an underage student. Illicit substances or paraphernalia are also an exception and will be disposed of upon discovery, notice of inspection dates will be posted prior to the scheduled inspection. The SFA Department of Environmental Health, Safety and Risk Management, as well as the State Fire Marshal, also may conduct random room inspections throughout the semester.

Conduct- Alcohol

To legally possess or consume alcohol in the State of Texas, you must be at least 21 years of age. Because the majority of those living in residence halls are under 21, there are limits to alcohol possession, consumption and distribution, even if you are at least 21.

If you are at least 21, you may possess or consume alcohol responsibly within the following limits:

1. You may only possess a reasonable amount of alcohol that is less than or equal to 14% alcohol by volume.
2. All alcohol must be stored and consumed within your private bedroom or in the bedroom of another resident who is 21 years old, unless all occupants assigned to the same unit are 21 years of age then alcohol may be stored or consumed in the common living area.
3. Consumption or possession of alcoholic beverages in open containers is prohibited in the corridors and common areas, such as lounges or lobbies, of University residence facilities. Alcohol transported through public areas must be unopened.
4. It is the responsibility of the resident who is 21 years old to ensure underage guests, other residents, or underage roommates do not have access to any alcohol they possess.
5. University police or residence life staff may request proof of identification and age for anyone in possession or for all present where alcohol is being consumed. Everyone present must comply with the request of the staff member or be found in violation of the policy and subject to disciplinary sanctions or removal from campus. Proof of identification and age includes providing a valid driver's license or a valid passport along with a current SFA ID card, if a student.

In conjunction with this expectation and the *Code of Student Conduct and Academic Integrity*, the following behaviors and similar behaviors not listed are restricted:

- Drinking directly from multiple serving containers
- Use of common source containers such as kegs, party balls, water jugs, etc.
- Drinking games or any activities that promote excessive alcohol consumption
- Possession or use of party game items such as beer bongs, beer pong, etc.
- Alcohol bottles/cans used as decoration

Conduct-Drugs

It is the policy of SFA that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. The student conduct code also prohibits possession of drug paraphernalia. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be. Therefore, in accordance with state law and university policy, any student who is determined, through regular disciplinary procedures of the university, to have violated this policy may be suspended for a period of time (not to exceed two calendar years, but no less than the remainder of the current semester). This policy enforces state law.

New Student Orientation

During new student orientation, all students receive information about policies related to drug and alcohol misuse. During the 2022-23 and 2023-2024 years, all students received a digital copy of the [Student Handbook](#), which highlights policies that have been adopted to help students succeed and remain in good standing with the university. Some of the policies highlighted in the handbook include the university's illicit drug and alcohol policy, the student conduct code and the university's policy on hazing.

Resources for Employees and Students

Employees

Human Resources offers the following to SFA employees:

- Drug treatment options are detailed for employees in a document that describes the *UTSelect* coverage both in-network and out-of-network benefits. A list of available treatment centers is also provided. Several Licensed Chemical Dependency Counselors are locally available. A complete list for SFA faculty/staff utilizing the insurance benefits package may be found on the UT Office of Employee Benefits webpage. SFA also has an employee assistance program (EAP) which provides resources to employees for counseling and treatment options.
- Procedures for random testing, post-accident testing and testing for reasonable suspicion are described in [SFA HOP 05-505](#).
- SFA Counseling Clinic is open to all employees and is dedicated to providing quality care for the treatment of personal problems, including dependency issues.

Results of Drug/Alcohol Testing

The Environmental Health, Safety and Risk Management Office conducts drug and alcohol testing at random, suspicion, post-accident and as required by the Department of Transportation and Commercial Driver's License requirements.

The following chart outlines the number of tests conducted and positive results:

2022-2023	2023-2024
Tested- 30 Positive Results- 2 (illegal drugs)	Tested- 23 Positive Results- 0

Students

Counseling Services assists SFA students in overcoming obstacles to their personal and academic goals. This is accomplished through individual and group counseling for students and through outreach, presentations, training and consultation for the campus community. Counseling Services respects and values diversity. Services provided by Counseling Services may include individual, couple, and family counseling (for enrolled students with family member(s)), groups, workshops, outreach presentations, programming, consultation and referrals, and crisis response. In addition, counseling sessions and presentations over the topic of substance abuse are offered.

The Lumberjack Wellness Network (LWN) is collaboratively overseen by SFA Counseling Services and SFA Campus Recreation. This is a group of peer health educators comprising undergraduate and graduate students from a variety of majors at SFA. The purpose of the program is to train and empower student volunteers and interns to educate about and advocate for healthy alternatives and behaviors on the SFA campus. LWN members achieve this by organizing and conducting presentations and outreach events, establishing a social media presence, and advocating for health-related policies on the SFA campus.

Counseling Services and LWN offer educational presentations for students pertaining to alcohol and other drugs and are available by appointment.

Local Community Resources for Students and Employees:

- Alcohol and Drug Abuse Council of Deep East Texas - (800) 445-8562
- Michael E. DeBakey VA Medical Center - Charles Wilson VA Outpatient Clinic - (888) 771-6276
- Cenikor Foundation - Substance Abuse Facility - (903) 630-7461
- Alcoholics Anonymous - (936) 564-3388 and (936) 569-6441

Local Licensed Chemical Dependency Counselors:

- Jan L. Hensarling - (936) 560-6855
- Ginger F. Stephens - (936) 305-3070
- Amber N. Scripsick - (936) 283-8729
- Erin E. Cameron - (936) 201-7779

Other Educational Resources:

- [Mothers Against Drunk Driving \(MADD\)](#) was created to help stop drunk driving, help fight drugged driving, support the victims of these violent crimes and prevent underage drinking.
- [National Institute on Alcohol Abuse and Alcoholism](#) supports and conducts research on the impact of alcohol use on human health and well-being.
- [Recovered](#) provides a site that contains comprehensive information on issues of prevention, research, treatment and more.
- [Responsibility.org](#) is a site dedicated to fighting drunk driving and underage drinking.
- [AddictionResource](#) is a site created to help addicts and their loved ones overcome addiction.

Education and Prevention Efforts

Athletics Department

The Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing and professional guidance.

- Education- as part of the NCAA Life Skills Program, SFA provides student-athletes and athletics staff with accurate information about problems associated with substance use in sports, promoting health and safety in sport on a yearly basis as well as providing interactive educational modules required for student-athletes as part of the student development plan.
- Testing- all SFA student-athletes are eligible for both year-round drug testing by SFA and by the NCAA. SFA selects a random sample from each team (20%) regularly during the school year to test for illegal drugs; whereas, the NCAA tests for performance enhancing drugs both during the year and at championship events.
- Professional Referral- facilitating appropriate treatment and rehabilitation of student-athletes.

Basic Training

Registered student organization leaders are required to attend [Basic Training](#) annually. The training is facilitated by campus officials and includes a review of applicable policies and practices related to organizational functions, risk management and alcohol/drug use at programs. Organization officers are required to sign the risk management contract indicating that they and their members will comply with all university alcohol and drug policies while engaging in organizational activities.

The chart below specifies the number of basic training participants.

2022	2023	2024
914	1018	1024

Counseling Services

Counseling Services assists SFA students in overcoming obstacles to their personal and academic goals through individual and group counseling for students and through outreach, presentations, training, and consultation for the campus community. In addition, counseling sessions and presentations on the topic of substance abuse are offered. During the 2022-2023 year, Counseling Services conducted 80 presentations that mentioned issues related to substance use and provided education related to the effects of substance use.

The Lumberjack Wellness Network (LWN) is collaboratively overseen by SFA Counseling Services and SFA Campus Recreation. These peer health educators educate and advocate for healthy alternatives and behaviors on the SFA campus. LWN members achieve this by organizing and conducting presentations and outreach events, establishing a social media presence and advocating for health-related policies on the SFA campus.

Fraternity and Sorority Life

Fraternity and Sorority Life provides students with opportunities for personal growth and the development of interpersonal skills.

SFA has 19 fraternities and 10 sororities, with the majority having the requirement by their national offices to produce alcohol and other drug prevention programming annually as part of their membership development and training.

Health Services/Health Clinic

The Department of Health Services/Health Clinic screens for alcohol and other drug abuse and offers students treatment in seeking assistance for alcohol and drug dependence. Additionally, the department conducts required drug tests for intercollegiate athletics, spirit teams, BACK on TRAC program and academic programs requiring them.

Jack Camp

A variety of programs related to alcohol and other drugs are produced each year by Student Engagement Programs. Jack Camp (SFA's first-year transition camp) coordinates activities that educate first-year students on the dangers of alcohol and substance abuse through an interactive skit presentation. In addition, small group discussions are facilitated by student leaders to discuss negative impacts drug and alcohol can have on a student's first year.

The chart below specifies the number of student participants.

August 2023	August 2024
432	450

New Student Orientation and Transition Programs

New Student Orientation and Transition Programs informs all new students of the educational opportunities and assists with the transition process of students and families into campus life. During the 13 new student orientation programs each year, several sessions are dedicated to alcohol and drug prevention. These include:

- Skits featuring the dangers and consequences of alcohol misuse
- Sessions presented by the Dean of Students on the consequences of drug misuse
- Lumberjack Life sessions featuring peer discussions related to campus life and student code of conduct.
- A printed postcard link to Student Handbook is given to every new student during orientation. References to the handbook, which reports the dangers of drug and alcohol abuse, are featured during the Lumberjack Life sessions.

The chart below specifies the number of new student orientation participants:

Summer 2023	Summer 2024
2,367	2,512

Sexual Violence Prevention

In the spirit of the SFA honor code, known as The SFA Way, and to promote a culture of respect and understanding, all incoming students are required to complete an online training. This program, which is housed within SFA's Title IX Office, is designed to help prepare college students for issues they may confront at college. It covers important topics such as students' rights and responsibilities; preventing sexual violence, dating violence, stalking, harassment, and bullying; bystander intervention; substance use; and acting as allies for others in need. This training is required for all incoming students and is available online, on the home tab of the student's mySFA platform.

The sexual violence prevention training includes the following topics concerning drug and alcohol prevention:

- The importance of being a responsible bystander if someone has had too much to drink and it is impacting their judgment.
- The impacts of alcohol and drugs, including the way they play out in social settings, and how to set boundaries for ourselves around substance usage.
- Alcohol in college: How it is used in social settings; binge drinking, and moderate drinking are defined; standard drink measurements are provided; and the effects of peer pressure are discussed.

- Information on the three most used substances on campuses: Adderall, prescription opiates and alcohol. This section also covers their uses, effects and realities of misuse.
- Outcomes of misuse and how to recognize the signs of alcohol poisoning and addiction.
- On-campus resources for the effects of misuse such as counseling, University Police Department and the Health Clinic.
- Details on how to intervene if you recognize someone might be struggling with alcohol or drug misuse or addiction.

In academic year 2022-2023, a total of 703 new students completed this required training. In academic year 2023-2024, a total of 659 new students completed this required training.

These data are significantly lower than what was reported in the previous biennial report. As a result, some preliminary investigation was conducted as to the reason for the decline in participation. The primary reason seems to be because the training was taken down due to its lack of compliance with recent Texas state laws. Additionally, the training platform we previously used was in the process of shutting down and there seems to be some lack of overlap between the two programs during the transition to the new platform.

With the transition to the new training platform underway, and compliance issues with the training itself, resolved, we anticipate the deficit in completion rates will be resolved this academic year.

Office of Student Conduct and Outreach (SCO)

The mission of the Office of Student Conduct and Outreach (SCO) at Stephen F. Austin State University is to facilitate a positive and safe environment for student learning, and to foster a university community based on the core values of integrity, civility, honesty, respect, and accountability. SCO addresses behavioral misconduct in a manner that educates students and student organizations on the importance of ethical decision making and becoming more responsible citizens of the university community and global society. Prior to January 2022, this office was named the Office of Student Rights and Responsibilities (Dean of Students Office).

Residence Life

Residence Life offers many alcohol and drug education and prevention programs for residential students each year. Many of these programs include collaboration with other campus departments including the University Police Department. Resident Hall Community Assistants plan programs regularly with the mission of helping students understand the consequences of alcohol and other drugs. Examples of programs scheduled during 2018-2020 included What's In Your Red Solo Cup, Buzz Kill, Booze with Boo's, Spook the Booze, Mocktails, Red Cup Toss, Kahoot The News and Seeing the Danger.

Residence Life staff presentations related to substance use are included in chart below:

2022-2023	2023-2024
9	15

The Department of Residence Life employs full-time professional staff and part-time student staff to live in residential facilities in order to provide relevant programming and deal with emergencies. Both are specially trained to manage issues related to alcohol and other drugs. Detailed training is held prior to each fall, and a shorter refresher training with special tracks for new staff is held prior to the spring semester.

University Police Department (UPD)

The University Police Department is supportive of the university’s [Drug and Alcohol Testing](#) and [Illicit Drug and Alcohol Abuse HOP](#), which are distributed annually to current and prospective employees and students by various university departments. The University Police Department is obligated to enforce all laws and university rules and regulations pertaining to the possession, sale, distribution and consumption of alcoholic beverages on university-owned property. The illegal use, possession, sale, distribution or manufacturing of drugs is not tolerated on university-owned property. The University Police Department looks for various ways to help educate our campus community. The department offers training on a variety of subjects, including “RAD” self-defense classes for Men and Women. UPD officers present at SFAS 1101 classes, and offer classes on “Alcohol and Drug Awareness.” Trainings dedicated to drug and alcohol awareness include:

- Sexual Assault Awareness – Informs of the potential dangers of leaving drinks unattended at clubs or parties and going out alone and encourages using the buddy system and knowing where and with whom you are going.
- Drug and Alcohol Awareness – Educates attendees regarding the effects of drug and alcohol use. UPD provides “drunk goggles” at presentations that show how drugs and alcohol can affect a person's judgement. The attendees are made aware of how drug use will affect their academic status, possible disciplinary sanctions imposed, and possible criminal charges that could be filed.

Alcohol and drug presentations conducted by University Police Department are as follows:

Program	2022-2023	2023-2024
SFAS 1101 Presentations/ Drug and Alcohol	30	10
General Safety Presentations/ Drug and Alcohol	30	13
RAD Class/ Drug and Alcohol	12	9
Residence Hall Training: Drug and Alcohol	20	7

Enforcement

There are two primary departments at Stephen F. Austin State University responsible for enforcing law/policies related to student alcohol and other drug use: The Office of Student Conduct and Outreach (SCO) and the University Police Department (UPD).

The SCO is responsible for adjudicating violations of the Student Code of Conduct, including violations of drug and alcohol policies. Students charged with violations of these policies participate in the disciplinary process as outlined in the Student Code of Conduct, and students found responsible for violating these policies are sanctioned accordingly.

The following chart highlights SFA policy violations as reported on the [Annual Campus Security and Fire Safety Report](#):

Violations	2022-2023	2023-2024
Liquor violations referred for campus disciplinary action	52	50
Liquor violation arrests	17	10
Drug violation arrests	14	15
Drug violations referred for campus disciplinary action	58	22

The following chart is the recorded alcohol and drug violations in which a finding of responsible was rendered through the Student Conduct Process.

Violations	2022-2023	2023-2024
Alcohol Policy Violations	52	37
Drug Policy Violations	47	19

Students who are found responsible for violations of the alcohol and drug policies as outlined in the Student Code of Conduct are assigned a variety of educational sanctions regarding their conduct. These sanctions are often used in combination with other sanctions (probation, reflection papers, follow-up meetings, etc.). These sanctions offer a variety of approaches aimed at preventing future occurrence of problematic behaviors related to alcohol and drug policy violations.

The following chart showcases the types of sanctions that have been assigned for drug and alcohol violations

Violations	2022-2023	2023-2024
Admonition/Disciplinary Reprimand	2	12
Conduct/Disciplinary Probation	47	34
Educational Sanctions	55	57
Suspension	0	4

Review of Goals from 2020-2022 Report

Currently, SFA's drug and alcohol education programs are effective. Areas of strength include our educational efforts to new students, especially those who do not attend a formal orientation program. Departments could increase educational programming beyond the first year for students and those who transfer to SFA from other institutions. Additional assessment should be considered to determine the effectiveness of any new programs implemented. In addition, the Dean of Students Office could collect more comprehensive data on drug and alcohol programming from Residence Life.

Recommendations for the 2022-2024 Report

The following recommendations should be considered for upcoming report from the committee:

- Residence Life will explore establishing a substance free (potentially recovery) living community.
- Student Engagement will develop additional late-night, alcohol-alternative programming options.
- Human Resources will increase communication on resources available to faculty and staff concerning alcohol and drugs.
- Committee will review findings and recommendations from the National College Health Assessment (administered in Fall 2023).
- Dean of Students Office should work to acquire funding for a full-time AOD position.
- Student Engagement will work with interested students to reinvigorate Driving Jacks.

Summary

Stephen F. Austin State University uses a comprehensive approach to preventing illicit drug use and alcohol misuse on campus. A variety of strategic partnerships across different units on campus work collaboratively and effectively to ensure that students, faculty and staff live, study and work in a safe and healthy environment. The appointed review committee conducted an overview of alcohol and drug policies, programs and enforcement practices for academic years 2022-2024. As a result of this review, the committee has determined that SFA is in compliance with the Drug Free Schools and Campuses Regulations, has an effective and consistently enforced alcohol and drug policy and annually distributes these policies to students, faculty and staff.

Appendix D

Intercollegiate Athletics Drug and Alcohol Policy

Purpose

Substance use and abuse in sport can pose risks to the student-athlete's health and negatively affect his or her academic and athletic performance. It can also compromise the integrity of athletic competition and the ideals of SFA. The Athletic Department believes that random drug testing and testing based on reasonable suspicion are appropriate to ensure the health, safety, and welfare of our student-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations on drug and alcohol abuse, to identify student-athletes who are improperly using drugs or alcohol, and to assist them before they harm themselves or others. Furthermore, the Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing and professional guidance.

Performance Enhancing & Recreational Drugs

At the beginning of the academic year, a presentation will be made to all intercollegiate athletic teams to outline and review the department's year-round and summer drug testing drug policy. A copy of this policy will be provided to each student-athlete. Each student-athlete will thereafter be asked to (1) sign a form acknowledging receipt of a copy of this policy; (2) execute voluntary consent to the urinalysis testing required by the program; and (3) sign a statement authorizing the release of test results to a limited group of individuals. Student-athletes and their parents/legal guardians are encouraged to ask questions or make suggestions at any time regarding this program. All student-athletes may be tested by the NCAA at any time during the year and especially during championship competition.

A student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance on the list of banned drug classes shall be declared ineligible for further participation in postseason and regular-season competition during the time period ending one calendar year after the collection of the student-athlete's positive drug-test specimen. The student-athlete will also be charged with the loss of a minimum of the equivalent of one full season of competition in all sports. (see 31.2.3 in the NCAA Manual). The SFA Athletics Department is committed to the success of this program and expects student-athletes to be equally committed.

Drug Screening Program

Throughout the calendar year, student-athletes will be subjected to random drug screening. The student-athlete may or may not be given advance notice of the drug test. To ensure fairness and efficiency of the testing program, testing notification will come from the Director of Sports Medicine. Tests will be administered on a random or reasonable suspicion basis and may or may not be announced in advance. Tests may be administered at any time throughout the year. The number, timing and other procedures for testing shall be determined by the Director of Sports

Medicine. Under the random testing program, individual student-athletes will be randomly chosen for screening by the contracted testing lab from a roster provided by the Sports Medicine staff. Failure to report for testing following notification will result in a positive test. The drug testing shall consist of collecting a urine sample from the student-athlete under the supervision of a laboratory technician from an accredited lab under contract with SFA. Each urine sample shall be analyzed using such tests as the Athletics Department may deem appropriate for the presence of screened drugs. The testing agency shall report all test results to the Director of Sports Medicine. For purposes of this program, a positive result shall mean a test result which indicates, in the opinion of the outside agency performing such testing, the presence of one or more of the drugs on the NCAA's banned list. Appropriate precautions will be taken to assure and maintain the accuracy and confidentiality of the test results, including the maintenance of a documented chain of specimen custody to ensure the proper identification and integrity of the sample throughout the collection and testing process. The Committee on Competitive Safeguards and Medical Aspects of Sports has the authority to identify specific banned drugs and exceptions within each class. SFA student-athletes shall be held accountable for all drugs within the banned-drug classes regardless of whether they have been specifically identified. The current list of specific banned drugs and exceptions is located on the NCAA Web site (ncaa.org) or may be obtained from the NCAA national office.

Alcohol Policy

The SFA Athletic Department does not condone the illegal or otherwise irresponsible use of alcohol. It is the responsibility of every member of the university community to know the risks associated with alcohol use and abuse. This responsibility obligates student-athletes to know relevant university policies and federal, state, and local laws and to conduct themselves in accordance with these laws and policies. This policy extends to the recruitment of prospective SFA student-athletes. Prospective student-athletes visiting campus and socializing with current students are expected to participate in all activities without the influence of alcohol. It should be understood that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of Texas state liquor laws. Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21. The Athletic Department will issue a positive drug test result to any student-athlete upon conviction or plea of guilty to the following, or its equivalent:

- Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs
- Public intoxication
- Drunk and disorderly

Other violations of law or university policy involving alcohol or drugs, including possession, will be reviewed by the Director of Athletics and may be grounds for a positive test result or suspension.

NCAA Banned Drug Classes

The Committee on Competitive Safeguards and Medical Aspects of Sports has the authority to identify specific banned drugs and exceptions within each class. SFA student-athletes shall be

held accountable for all drugs within the banned-drug classes regardless of whether they have been specifically identified. The current list of specific banned drugs and exceptions is located on the NCAA Web site (ncaa.org) or may be obtained from the NCAA national office.

Many nutritional/dietary supplements contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry; therefore purity and safety of nutritional/dietary supplements cannot be guaranteed. Impure supplements may lead to a positive NCAA drug test. The use of supplements is at the student-athlete's risk. Student athletes are urged to check first with the Sports Medicine staff before taking any supplements to insure that there are no banned substances in the ingredients.

Medical Exception Policy

SFA recognizes that some banned substances are used for legitimate medical purposes. Accordingly, SFA allows exceptions to be made for those student-athletes with a documented medical history demonstrating a need for regular use of such a substance. Exceptions may be granted for substances included in the following classes of banned drugs: stimulants, beta-blockers, diuretics and peptide hormones.

The student-athlete is required to inform the Director for Sports Medicine of all medications he or she is taking. The sports medicine staff will maintain in the student-athlete's medical records a letter from the prescribing physician that documents the student-athlete's medical history demonstrating the need for regular use of such a drug. The letter should contain information as to the diagnosis (including appropriate verification), medical history and dosage information. In the event a student-athlete tests positive, the Assistant Athletic Director for Sports Medicine in consultation with the Team Physician will review the student-athlete's medical record to determine whether a medical exception should be granted.

Apart from drug testing, the Head Coach of each sport will have training rules and requirements which include prohibitions concerning the use of drugs. Individual team rules and sanctions may be more comprehensive and/or restrictive than those listed in the departmental policy. Each Head Coach will have the necessary authority to enforce these rules. A student-athlete whose system contains drug residues may not be capable of performing sports activities and may detract from team performance and/or be a hazard to himself/herself and others. Accordingly, Head Coaches may properly take positive drug test results into consideration along with any other indications of drug use, as a factor in determining whether, and to what extent, a particular student-athlete should be permitted to practice, workout, or compete. The Head Coach will confer with the Head Athletic Trainer and Director of Athletics in such cases.

Appeals

Student-athletes who test positive will be entitled to a hearing with the Director of Athletics or his/her designee prior to the imposition of any sanction. Requests for such a hearing must be made within forty-eight (48) hours of notification of a positive test result. If the forty-eight hours

would end on a weekend, the request must be made by noon on the next business day. Request must be in writing and received by the Director of Athletics.

The student-athlete may have an advocate or other representative present if the student so desires. However, the student-athlete must present his or her own case and the advocate or other representative may only advise the student-athlete. If the student-athlete chooses to bring an attorney as his/her advocate or representative, the Director of Athletics may request the university general counsel to be present. The meeting should take place no more than seventy-two (72) business hours after the written request is received. The student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The proceedings shall be confidential. The decision by the Director of Athletics or his/her designee regarding the sanction to be imposed shall be final, other appeal processes of the University notwithstanding.

Test Results Security

It has been agreed by the President of the University and the Assistant Vice President & Dean of Students that they will not be entitled to request information as to result of drug tests of any student-athlete, nor to use any information of evidence as to such test results, for any disciplinary purposes whatsoever. The Department of Athletics will make every effort to keep all such test results confidential, except to the limited extent otherwise provided above, and will oppose the disclosure thereof to any other person within or outside the University.



Drug and Alcohol Testing

Purpose

This policy affirms Stephen F. Austin State University's (SFASU or University) commitment to providing a safe, healthy, and productive learning and working environment by taking appropriate steps to maintain a drug-free and alcohol-free workplace, and to comply with the regulations issued by U.S. Department of Transportation, specifically the procedures for Transportation Workplace Drug and Alcohol Testing Programs and Controlled Substances and Alcohol Use and Testing Requirements.

Persons Affected

This policy applies to all SFASU employees. The provisions of this drug and alcohol testing policy do not relieve an employee from requirements pursuant to other University of Texas System or SFASU policies on drugs and alcohol.

Definitions

Medical review officer (MRO): refers to a licensed physician who is responsible for receiving laboratory results generated by the employer's drug testing program, evaluating, interpreting and verifying those drug testing results in conjunction with an employee's medical history, and determining whether a positive result was caused by the use of prohibited drugs or by an employee's medical condition.

Policy

The University must set an example to ensure the safety, health and welfare of its employees, students and the citizens which it serves, by taking the appropriate steps for maintaining a drug-free workplace as mandated by the state and federal governments. This policy supplements all other University of Texas System and SFASU policies on drug and alcohol use and related topics by establishing the guidelines for drug and alcohol testing. The drug and alcohol testing program is for the purpose of ensuring a healthy and safe workplace and may not be used for the purpose of criminal prosecution.

Stephen F. Austin State University may require employees in safety sensitive positions to submit to drug and/or alcohol testing based upon reasonable suspicion, pre-employment, post-accident, or university referred drug and/or alcohol rehabilitation. University safety sensitive employees who are subject to Department of Transportation regulations in 49 C.F.R. parts 382 and 40 (primarily drivers with commercial driver's licenses) will additionally be subject to random drug and/or alcohol testing proscribed by federal law.

The home department of the employee will cover the costs of the drug and/or alcohol testing for pre-employment, post-accident, random, and reasonable suspicion.

Reasonable suspicion can be established by any of the following:



1. Direct observation of drug or alcohol use or possession and/or demonstration of physical symptoms of the influence of a drug or alcohol as related to work activities,
2. A pattern of abnormal or erratic behavior, consistent with alcohol or drug abuse,
3. Arrest or conviction of a drug or alcohol related offense as the focus of a criminal investigation into illicit drug use, possession, or trafficking,
4. Information provided by reliable or credible sources,
5. Information, which is independently corroborated,
6. Evidence that an employee or student worker has tampered with a previous drug or alcohol test, or
7. Possession of drug paraphernalia.

Individuals having reasonable suspicion of an employee in a safety sensitive position, based on the above criteria, must contact the director of human resources and/or the director of environmental health, safety, and risk management. When feasible, the office of the general counsel will be contacted to confirm whether a given circumstance is sufficient to conduct a test.

Reporting personnel shall document the exact reasons why they suspect that a certain employee in a safety sensitive position has violated the drug and/or alcohol policy to include: the symptoms exhibited by the employee; the actions of the administrator, faculty, employee or student worker; if at all possible, corroborating statements from other administrators, faculty, employees or student workers; and other evidence which tends to establish a reasonable suspicion of illicit drug or unauthorized alcohol use.

Statements by the reporting personnel should document specific facts, not speculation, about an employee's behavior or appearance which would lead a reasonable person to the conclusion that the employee was using or in possession of illicit drugs or unauthorized alcohol. The emphasis should be placed on how the behavior of the employee is affecting his/her performance.

A. Post-accident

1. Each employee in a safety sensitive position who is involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug/alcohol test. (A drug or alcohol test will also be requested if damage has occurred to university property as a direct result of the employee's behavior).
2. As a condition of continued employment, any employee in a safety sensitive position who is participating in a substance abuse treatment program or who has a rehabilitation agreement with the university following an incident involving substance abuse may be required to submit to additional drug testing. This section shall not apply to employees in safety sensitive positions who have successfully completed a drug and or alcohol rehabilitation program prior to employment with the university.
3. Until the results of a test are received, an individual will automatically be removed from all safety sensitive functions, but may perform duties as assigned. Individuals may be suspended with pay pending investigation, if the continued participation of that individual presents a real and present danger to personal safety or property or threatens the health and safety of the individual or peers.

B. Prohibited Employee Conduct



1. Engaging in the manufacture, distribution, possession, or use of prohibited substances on university property, in university vehicles, or while in the conduct of university business. (Alcohol possession or use may be permitted on university property as articulated by university policy.)
2. Reporting to work under the influence of alcohol or illegal drugs.
3. Testing positive for alcohol and controlled substances as a safety sensitive employee.
4. Refusing to submit to required testing as a safety sensitive employee
5. Permitting a subordinate employee, in a safety sensitive position, to perform or continue to perform safety sensitive functions when the supervising employee has actual knowledge that a safety sensitive employee has engaged in conduct prohibited in paragraphs above.

C. Refusal to Submit Test

1. An employee in a safety sensitive position who refuses to consent and submit to a test when requested under any of the circumstances provided for above will be subject to disciplinary action including termination
2. Refusal to submit includes:
 - a. Failure to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
 - b. Failure to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, and/or
 - c. Engaging in conduct that clearly obstructs the testing process, and/or leaving the scene of an on-the-job accident.

D. Positive Test

An employee in a safety sensitive position with a positive test will be removed from performing his or her safety sensitive functions. Their supervisor and the director of human resources will meet with each employee who tests positive and inform the employee of the test result.

Based upon the information available after the meeting with the employee, the supervisor and the director of human resources shall determine whether:

- a. To proceed to impose appropriate disciplinary action (keeping in mind any minimum penalties as may be required by federal or state law, if criminal penalties may have been pursued, and the nature of the infraction as related to the job functions of the individual) pursuant to university procedures for discipline and dismissal of employee; or
- b. To offer the employee the opportunity to participate in and satisfactorily complete an appropriate employee assistance program or rehabilitation program for alcohol and/or drug abusers as a condition of continued employment solely at the employee's expense. An employee who is permitted and chooses to participate in such a program must be



informed that the university will pursue appropriate disciplinary action if the employee does not satisfactorily complete the prescribed program.

E. Recurrence of Substance Abuse

Upon the second occurrence of the necessity to potentially refer an employee to counseling or rehabilitation treatment, there will not be an option to refer the employee in a safety sensitive position for treatment and termination will be automatic.

F. Subsequent disciplinary actions

When an employee has experienced work-related problems as a result of alcohol or drug use and has been reinstated, subsequent disciplinary action will not be taken for the previous work-related problems provided the problems cease after reinstatement.

G. Employees Subject to Drug and Alcohol Testing

1. All employees in safety sensitive positions of SFASU are to be included in the alcohol and/or drug testing program and will be subject to testing. Employees identified for testing purposes are expected to cooperate fully with designated clinic and/or laboratory personnel by making themselves available for testing, giving a valid sample and completing accurately all of the steps and necessary documents associated with the test.
2. Employees in safety sensitive positions at the university who are subject to this drug testing policy are defined as all employees whose job duties have a direct effect on the health, safety and welfare of employees, students and citizens, which the university serves including the following described duties:
 - a. Drivers with commercial driver's licenses (CDL),
 - b. Employees who are required to have a university certified driver's license in their job description,
 - c. Persons who carry a firearm for security purposes,
 - d. Employees who control dispatch of emergency services,
 - e. Employees who repair or maintain university owned or leased vehicles,
 - f. All maintenance personnel including but not limited to electricians, plumbers, carpenters, etc.,
 - g. All employees who maintain the critical infrastructure of the university including but not limited to database administrators, systems administrators, programmer and systems analysts, network support specialists, etc.,
 - h. Persons required to use dangerous equipment in the course and scope of their jobs including saws, drills, torches, tractors, mowers, and other motorized equipment,
 - i. Employees using chemicals or other dangerous substances in the course and scope of their jobs, and



- j. Medical professionals including licensed doctors, licensed nurses, certified athletic trainers.

H. Facilities for Testing

Employees selected for testing procedures shall report to the designated independent facility, or may be escorted by an authorized supervisor. A specimen will be collected and tested by an independently approved laboratory using valid, reliable testing procedures as outlined under the U.S. DOT regulations at 49 C.F.R. part 40. The services of an MRO will be retained for proper laboratory results interpretation.

I. Test Results

1. Drug and alcohol screen test results will be reviewed by an independent MRO after receipt of the specimen by the laboratory. Employees who test positive for substances prohibited by this program shall be afforded an opportunity to consult with the MRO and to provide medical records or other biomedical information to assist the MRO in determining whether there is a legitimate medical explanation for the test results, including use of a legally prescribed medication. Upon review of all confirmatory tests and other medical records, the MRO shall issue a confirmation report verifying test results. The MRO's confirmation report and the results therein shall be deemed conclusive.
2. If a post-accident drug screen produces a positive result due to a safety sensitive employee's lawful use of prescription medication which may impair judgement such as driving, handling equipment or making sound decisions, the employee will be removed from all safety sensitive functions and, as soon as reasonably practical, discuss any limitations with the employee's supervisor. An employee may be required to provide a doctor's release to resume regular safety sensitive work duties.
3. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's positive test result (as reported by the laboratory) together with his or her medical history and any other relevant biomedical information.
4. Any results below the minimum stipulated test levels for drug testing or under .02 for alcohol testing shall be considered a negative test result. Any employee with properly confirmed positive drug test results, or greater than .02 alcohol test as certified by the MRO, shall continue to be removed from any safety sensitive work and shall report to the supervisor upon request.

J. Records

All information from an employee's drug and alcohol tests is confidential, unless otherwise required by law. Records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur.

K. Appeal and Retesting

Employees may appeal positive test results by submitting a written request to the director of human resources within 24 hours after being informed of the positive test result. The appellant has the right to have a second test performed at a certified laboratory of his/her choice. The specimen transfer between the laboratories will follow standard protocol. An MRO shall



interpret the alternate laboratory's test results, considering the nature of the result and time elapsed since the original test. All expenses for such retests will be the responsibility of the appellant.

L. Notice

All new employees shall receive notice of this policy and be required to sign an acknowledgement of receipt. Failure to sign an acknowledgement of receipt shall not nullify the notice provided by the university. Existing employees will be notified of the policy and its revision.

Related Statutes or Regulations, Rules, Policies, or Standards

U.S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. §§ 40, 382

UTS 113 Drug and Alcohol Testing for Positions Requiring Commercial Driver's Licenses
UTS 164 Drug-Free University Community and Workplace Policy

SFA HOP 05-512 Illicit Drugs and Alcohol Abuse
SFA HOP 03-304 Discipline and Discharge

Responsible Executive

President; Director of Environmental Health, Safety, and Risk Management; Director of Human Resources Vice President and General Counsel

Forms

Notice and Acknowledgement of Policy Receipt

Revision History

September 1, 2023 (original)



Code of Student Conduct and Academic Integrity

Purpose

This policy prescribes the standards of conduct students are required to adhere to as a student of Stephen F. Austin State University (SFA).

Persons Affected

This policy affects all students, regardless of classification, enrolled at SFA.

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Article I – Standards of Conduct

- a. Enrolling at Stephen F. Austin State University community obligates one to adhere to a code of behavior that embraces academic and personal integrity; respect for the dignity, right, and property of others; and an intolerance of discrimination and harassment. In keeping with this obligation, Students and Student Organizations are expected to comply with the standards outlined in this Code of Student Conduct and Academic Integrity.
- b. All Students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with The University of Texas System and institutional rules and regulations. This Code contains rules for adjudicating alleged violations of University policy, in a manner consistent with the requirements of procedural due process and in accordance with The University of Texas System Rules and Board of Regents' Rule: 50101.

Article II – Application and Jurisdiction

- a. The Dean of Students has primary authority and responsibility for the administration of the University process for students alleged to have engaged in conduct that violates this Policy.
- b. The standard of proof utilized in the conduct process is a preponderance of the evidence, or it is more likely than not the violation occurred.
- c. Any Student or Student Organization that violates the institution rules and policies, specific instructions issued by an administrative official of the institution or The University of Texas System acting in the course of his or her authorized duties, or federal, staff, or local laws is subject to discipline. The provisions of this Code cover conduct occurring on campus. It also covers conduct occurring off-campus, including but not limited to university off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct. The Vice President of Student Affairs, or their designee, shall decide if other behaviors occurring off-campus will be subject to this Policy. This Code does not apply to matters subject to SFA HOP 01-307 Title IX.
- d. University disciplinary action may be instituted against a student charged with conduct that potentially violates both the civil/criminal law and University policy or rules without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Policy may be carried out prior to, simultaneously with, or following criminal proceedings off campus. Disciplinary decisions and sanctions imposed under this Policy will not be subject to change based upon the outcome of criminal charges or decisions.
- e. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered prohibited conduct under this policy.



Article III – Definitions

- a. Academic Sanction – A sanction affecting a student’s grade, including but not limited to, a warning, a grade reduction for an assignment, for a test, or for the entire course.
- b. Administrative Resolution – A document signed by the student and the Dean of students, or their designee, which includes a statement of the alleged violations, the findings, the sanction(s), and a waiver of the hearing procedures and possibly a waiver of appeals under Regents’ Rules and Regulations, Rule 50101, Section 2, and institutional rules regarding student discipline.
- c. Advisor – an individual serving as a guide for the Complainant or Respondent during the student conduct process. An Advisor may confer with and advise the Student Complainant, Student Respondent, or Student Organization Respondent but may not directly participate in a meeting with the accusing Faculty Member, Dean of Students or their designee, or hearing with a Formal Hearing Officer(s).
- d. Appeal – The review by the designated Appeal Officer of the full record of the student conduct process and the Academic Sanction(s) or Behavioral Sanction(s) imposed.
- e. Appeal Officer – The person or persons designated by the President of the institution to consider the appeal of an outcome of the student conduct process.
- f. Campus – All real property, buildings, or facilities owned or controlled by the institution.
- g. Complainant – the individual who is alleged to be the victim of any prohibited conduct under this policy.
- h. Day – a calendar day. For purposes of calculating any period of days in this Policy, if the last day of the period falls on a Saturday, Sunday, or an official holiday, or is a day when the University is closed due to an emergent situation, the period continues to run until the next day that is not a Saturday, Sunday, an official holiday, or a day when the University is closed due to an emergent situation.
- i. Dean or Dean of Students – The administrative officer or officers responsible for the administration of the disciplinary process at Stephen F. Austin State University. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.
- j. Email – The University’s recognized medium for means of communicating with Respondents or Complainants. An Email is considered delivered once it is sent.
- k. Formal Hearing Officer – The individual or individuals selected in accordance with formal procedures adopted pursuant to the recommendation of the Vice President of Student Affairs to hear disciplinary charges, make findings of fact, and, upon a finding of responsible, impose an appropriate sanction(s).
- l. Faculty Member – The person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a Faculty member.
- m. Faculty Resolution – A document signed by the Student and the accusing Faculty member which includes a statement of the alleged violations, the findings, the sanction(s), and a waiver of the hearing procedures and possibly a waiver of appeals under Regents’ Rules and Regulations, Rule 50101, Section 2, and institutional rules regarding student discipline.
- n. Interim Disciplinary Action – Disciplinary action adverse to a Respondent taken against the Respondent before a finding of responsibility for a policy violation. Interim Disciplinary Action may include suspension, suspension of a right or privilege, or a prohibition from entering campus or any part of campus. Decisions to take Interim Disciplinary Action reside with the Dean of Students.
- o. Respondent – The Student or Student Organization accused of an alleged policy violation.



- p. Student – the following persons shall be considered Students for the purposes of this Policy:
 - i. A person currently enrolled at Stephen F. Austin State University.
 - ii. A person accepted for admission or readmission to the institution.
 - iii. A person who has been enrolled at the institution in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
 - iv. A person who engaged in prohibited conduct at a time when they met the criteria of i, ii, or iii above.
- q. Student Organization – Any number of Students who meet as a group, whether as a registered Student Organization or as an unaffiliated Student group. This includes, but is not limited to, sport clubs, athletic teams, and other types of Student groups. The Student Organization’s executive officer will serve as the representative for the Student Organization during the student conduct process.
- r. University/Institution – Stephen F. Austin State University or SFA.
- s. Vice President of Student Affairs – The administrative officer primarily responsible for the development and administration of policies related to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule.

Article IV – Prohibited Academic Conduct

Any Student who commits an act of academic dishonesty is subject to discipline. Academic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person without giving sufficient credit, taking an examination for another person, or any act designed to give unfair advantage to a Student or the attempt to commit such acts.

- a. Cheating is the following or attempt to do the following:
 - i. Copying from the test paper (or other assignment) of another Student, engaging in written, oral, or any other means of communication with another Student during a test, or giving aid to or seeking aid from another person during a test or on another assignment where doing so is prohibited by the Faculty member;
 - ii. Possession and/or use during a test of materials which are not authorized by the person giving the test, such as class notes, calculators, electronic devices, books, or specifically designed “crib notes”;
 - iii. Using, obtaining, or attempting to obtain by any means the whole or any part of a non-administered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part, without permission of the Faculty member; or accessing a test bank without Faculty permission;
 - iv. Substituting for another person, or permitting another person to substitute for one’s self, to take a test;
 - v. Falsifying research data, laboratory reports, and/or other records or academic work offered for credit;
 - vi. Using any sort of unauthorized resources or technology in completion of educational activities.
- b. Plagiarism is the appropriation of material that is attributable in whole or in part to another source or the use of one’s own previous work in another context without citing that it was



used previously, without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program course or degree requirements.

- c. Collusion is the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any provision of the rules on academic dishonesty, including disclosing and/or distributing the contents of an exam.
- d. Misrepresenting facts for academic advantage to the University or an agent of the University. This includes providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; and providing false or misleading information in an effort to injure another Student academically or financially.
- e. Other Academic Misconduct - any activity in which a student receives or attempts to receive an unfair academic advantage for themselves or creates an intentional unfair academic advantage for others. This includes posting course information on public websites without the explicit consent of the instructor.

Article V – Prohibited Behavioral Conduct

- a. Alcohol Possession and Use
 - i. Possession, use, and/or consumption of alcohol beverages by persons under the age of 21.
 - ii. Operating a motor vehicle while under the influence of alcohol or while impaired by the consumption of alcohol.
 - iii. Possession or consumption of alcohol beverages in unauthorized locations on campus, regardless of age.
 - iv. The sale, distribution, or furnishing of alcohol beverages, or otherwise facilitating consumption of alcohol for/by persons under the age of 21.
 - v. Participation in drinking games or what could be perceived as drinking games, contests (e.g. beer pong, water pong, flip cup, etc.) by persons under the age of 21.
 - vi. Possession or use of common source containers (e.g. kegs, pony kegs, beer bongs).
 - vii. Any activity or conduct involving the use of alcohol that is in violation of law.
- b. Animals
 - i. Any abuse, inappropriate handling, or causing death to wildlife and/or animals.
 - ii. Bringing any unauthorized animal into any building owned, leased, or controlled by the University (e.g. residence halls and any dining facilities).
 - iii. Excessive noise or destruction of property from service or assistance animals.
 - iv. Failure to properly clean up after the animal.
 - v. Failure to properly maintain control of the animal (e.g. the use of a leash).
- c. Classroom Disruption
 - i. Any classroom behavior (regardless of course delivery method) that interferes with the Faculty member's ability to conduct class, failure to conform to the Faculty member's announced expectations for the class, or the ability of other Students to learn.



- d. Damage or Destruction of Property
 - i. Vandalism of or damaging University property or property of another individual.
- e. Disorderly Conduct
 - i. Disruption or interference of the normal or routine operations of the University.
 - ii. Failure to comply with a reasonable and lawful request of a University employee, including SFA University Police.
 - iii. Engaging in speech (either orally or in writing) which is directed to incite or produce imminent lawless action and is likely to incite or produce such action.
 - iv. Any assembly for the purpose of causing a riot, destruction of property, or other disorderly conduct, which interferes with the normal operations of the University.
 - v. Facilitation of Student misconduct including, but not limited to assisting, conspiring, soliciting, or encouraging others to engage in conduct which violates this Policy.
 - vi. Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. This may include, but is not limited to, the operation of a vehicle, bicycle, skateboard, scooter, or other mobile device.
- f. Drugs
 - i. The possession, consumption, or use of any illegal substance (substance controlled by Federal or Texas law) or synthetic cannabinoid.
 - ii. The manufacture, cultivation, distribution, purchase, or taking delivery of any illegal substance (substance controlled by Federal or Texas law) or synthetic cannabinoid.
 - iii. Misuse or improper possession of prescription medication.
 - iv. Possession and/or use of any drug paraphernalia (e.g. bowls, hookah pipes, bong, "homemade" smoking devices, or any other smoking device or smoking paraphernalia).
 - v. Operating a motor vehicle under the influence or while impaired by the consumption of substances controlled by Federal or Texas law or synthetic cannabinoid.
 - vi. Any activity or conduct involving drugs that is in violation of local, state, or federal law.
- g. Explosives, Weapons, or Hazardous Chemicals
 - i. Possession or use (unless allowed by state or federal law) of any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon (as defined by state or federal law) while on Campus. Violations of the Campus Carry policy will be administered under this Policy.
- h. False Information
 - i. Any misuse of any University record, forms, or documents through forgery, unauthorized alteration, reproduction, or other means.
 - ii. Providing false information to law enforcement, SFA employees acting within the scope of their role, or the University.
 - iii. Possession of any fake, altered, or any other identification that belongs to another person.
 - iv. Lending, selling, or otherwise transferring an identification card.
- i. Fire Safety
 - i. Any failure to evacuate or immediately respond to a fire alarm.
 - ii. Participation in creating or causing a false fire alarm.



- iii. Participation in tampering, disconnecting, or altering any fire alarm system, equipment, or component.
- iv. Improper discharge of a fire extinguisher.
- v. Failure to follow the instructions of a University employee or emergency personnel during fire alarms.
- vi. The possession, use, manufacture, and/or sale of any incendiary device (e.g. fireworks).
- j. Gambling
 - i. Engaging in gambling on property, buildings, or facilities owned or controlled by the University.
- k. Harm
 - i. Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury.
 - ii. Endangering the physical health or safety of any person or actions that may cause a reasonable apprehension of harm.
 - iii. Harassment (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University.
 - iv. Bringing a non-Student or non-community member into the University community that puts a Student, or individual, or the University community at risk of physical injury or death.

l. Hazing

Any Student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (*Texas Education Code* Section 51.936 and Sections 37.151-37.157). Hazing with or without the consent of a Student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the Student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

“Hazing” means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a Student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act:

- i. is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
- ii. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the Student;
- iii. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the Student;



- iv. any activity that induces, causes, or requires the Student to perform a duty or task that involves a violation law; or
- v. any activity that intimidates or threatens the Student with ostracism, that subjects the Student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the Student or discourages the Student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a Student to leave the organization or the institution rather than submit to acts described in this subsection.

In an effort to encourage reporting of hazing, the University may grant immunity from Student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

- m. Joint Responsibility
 - i. Students who knowingly act or plan to act in concert to violate University regulations.
 - ii. Any Student who knowingly allows another person to violate University regulations without reporting to a University official.
- n. Misuse of Computing Resources
 - i. Failure to comply with University policies, license agreements, or contracts.
 - ii. Unauthorized alteration or destruction of computer equipment, software, network, data, or system performance.
 - iii. Unauthorized copying or distribution of University data.
 - iv. Possession or use of improperly obtained software.
- o. Obstruction of the Student Conduct Process
 - i. Colluding with or intimidating persons part of the student conduct process.
 - ii. Providing false or incomplete information which may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
 - iii. Deliberately disrupting or interfering with the student conduct process.
- p. Prohibited Conduct During Suspension
 - i. Conduct which may violate this Policy or other University policy while on suspension.
- q. Retaliation
 - i. Any form of retaliation against an individual who has brought a complaint under this Policy or other University policy or participated in an investigation or disciplinary process of such complaint.
- r. Solicitation
 - i. Commercial solicitation on campus or with University resources without prior approval from the appropriate University official.
- s. Theft or Improper Possession
 - i. Taking, possessing, or attempting to sell or distribute any property that is the property of another person or entity, including the University.
 - ii. Taking or attempting to sell any service that belongs to the University without proper permission.



- t. Unauthorized Use or Entry
 - i. Engaging in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the University.
 - ii. Unauthorized entry on or into any University building, office, residence hall, motor vehicles, or other facility.
- u. Violation of Policy or Law
 - i. Any act that violates published University policy.
 - ii. Any act that violations local, state, or federal law.
 - iii. Any act that violates the SFA Residence Life Community Guidelines.
 - iv. Any act that violates Student Life policy.

Article VI – Investigations and Conduct Process – Academic Conduct

The Dean of Students may delegate authority to each college academic dean who may further delegate authority to a Formal Hearing Officer or accusing Faculty member to adjudicate violations of Article IV of this policy. The accusing Faculty member will conduct an investigation, determine whether to proceed with the charges, and if so, propose the appropriate sanction. The accusing Faculty member may proceed with the disciplinary process even if the Student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal disciplinary action.

- a. Investigation
 - i. Allegations of misconduct will be investigated by the accusing Faculty member. The accusing Faculty member may contact a Student for a meeting for purposes of the investigation and/or to discuss the allegations. The accusing Faculty member may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least two days after the date of the request if the request is sent by email or hand delivered. The refusal of a Student to read e-mail shall not be good cause for the failure to respond to a summons.
- b. Reviewing the Evidence and Determining Sanctions
 - i. The accusing Faculty member will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the accusing Faculty member will offer the Student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.
- c. Withholding Transcripts, Grades, Degrees
 - i. The Dean of Students may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a Student alleged to have violated a rule or regulation of the University. The Dean of Students may take such action pending a hearing, resolution by Administrative Resolution, and/or exhaustion of appellate rights if the Dean of Students has provided the Student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean of Students, the best interests of the U. T. System or the University would be served by this action.
- d. Faculty Resolution



- i. In any case where the Student Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the accusing Faculty member assesses, the Student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This Faculty Resolution shall be final and there shall be no subsequent proceedings regarding the charges.
 - ii. Alternatively, a Student may elect to sign a Faculty Resolution waiving the right to the hearing under Article VIII but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President's designee as determined by institutional procedures in accordance with Article XI of this Policy.
 - iii. A Student may also fully decline the Faculty Resolution and seek resolution by Formal Hearing.
- e. Formal Hearings
- i. In those cases in which the Student does not accept the Faculty Resolution under section d above or the University does not offer a Faculty Resolution, the charges shall be heard and determined by a fair and impartial Formal Hearing Officer Panel, comprised of representatives from Academic Affairs, in accordance with Article VIII of this Policy.
 - ii. The academic dean or their designee has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
- f. Informal Resolution
- i. The Dean of Students may, at their discretion, elect to resolve some cases through informal resolution. Informal resolutions will not be taken into consideration for additional violations of this policy.
 - ii. Informal resolutions for academic conduct cases are addressed between the accusing Faculty Member and the Student.

Article VII – Investigations and Conduct Process – Behavioral Conduct

The Dean of Students will conduct an investigation, determine whether to proceed with the charges, and if so, propose the appropriate sanction. The Dean of Students may proceed with the disciplinary process even if the Student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal disciplinary action.

If there is a more specific policy that specifies the procedures for the investigatory and disciplinary process, such as the Sexual Misconduct Policy, that policy will govern. Student violations of the University Free Speech Policy will follow the procedures in this Policy.

a. Investigation

- i. Allegations of misconduct will be investigated by the Dean of Students. The Dean of Students may contact a Student for a meeting for purposes of the investigation and/or to discuss the allegations. The Dean of Students may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least two days after the date of the request if the request is sent by email or hand delivered. If a Student fails to appear without good cause, as determined by the Dean of Students, the Dean of Students may bar or cancel the Student's enrollment or otherwise alter the status of the Student until the Student complies with the summons. If the Student failing to appear as directed in



a summons is the Student against whom charges are being reviewed, in addition to the above, the Dean of Students may proceed with disciplinary action based upon other information available using the disciplinary procedures in this Policy. The refusal of a Student to read e-mail shall not be good cause for the failure to respond to a summons.

- b. Reviewing the Evidence and Determining Sanctions
 - i. The Dean of Students will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Dean of Students will offer the Student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.
- c. Interim Disciplinary Action
 - i. Pending a hearing or other disposition of the allegations against a Respondent, the Dean of Students may take immediate Interim Disciplinary Action if the institution determines circumstances warrant immediate action to ensure the safety of any person and/or the University community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegations or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegations and potential threat as soon as practicable after instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegations and any potential threat, the Dean of Students may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing as described in Article VIII(a) of this Policy, unless the Respondent agrees to an Administrative Resolution under Article VII(e).
- d. Withholding Transcripts, Grades, Degrees
 - i. The Dean of Students may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a Student alleged to have violated a rule or regulation of the University. The Dean of Students may take such action pending a hearing, resolution by Administrative Resolution, and/or exhaustion of appellate rights if the Dean of Students has provided the Student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean of Students, the best interests of the U. T. System or the University would be served by this action.
- e. Administrative Resolutions
 - i. In any case where the Student Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the Dean of Students assesses, the Student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This Administrative Resolution shall be final and there shall be no subsequent proceedings regarding the charges.
 - ii. Alternatively, a Student may elect to sign an Administrative Resolution waiving the right to the hearing under Article VIII but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President's designee as determined by institutional procedures in accordance with Article XI of this Policy.



- iii. A Student may also fully decline the Administrative Resolution and seek resolution by Formal Hearing.
- f. Formal Hearings
 - i. In those cases in which the Student does not accept the Administrative Resolution under Article VII or the University does not offer an Administrative Resolution, the charges shall be heard and determined by a fair and impartial Formal Hearing Officer in accordance with Article VIII of this Policy.
 - ii. The Dean of Students has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
- g. Informal Resolution
 - i. The Dean of Students may, at their discretion, elect to resolve some cases through informal resolution. Informal resolutions will not be taken into consideration for additional violations of this policy.
 - ii. Informal resolutions for behavioral conduct cases are addressed between the Dean of Students and the Student.

Article VIII – Formal Hearing Process

- a. Interim Disciplinary Action Accelerated Hearing
 - i. When Interim Disciplinary Action has been taken by the Dean of Students under Article VII(c) above and remains in place following the opportunity for the Student to address the allegations and/or potential threat, the Student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified in Article VII(e) of this Policy within 10 days after the interim disciplinary action was taken; however, if the Dean of Students determines that there is good cause, the 10-day period may be extended for a reasonable period.
- b. Notice of Hearing
 - i. Except in those cases where immediate interim disciplinary action has been taken, the Student Respondent shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Formal Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least 10 days prior to the hearing, the University will provide the Student Respondent all evidence obtained related to the allegation(s). The notice shall be emailed to the Student at the e-mail address on record with the University. A notice sent via email will be considered to have been received on the day sent. The date for a hearing may be postponed by the Formal Hearing Officer for good cause or by agreement of the Student and Dean of Students. If the Student fails to appear, the Hearing will proceed without the benefit of the Student's presence.
- c. Impartiality of the Formal Hearing Officer(s)
 - i. The Respondent may challenge the impartiality of a Formal Hearing Officer(s). The challenge must be in writing, state the reasons for the challenge, and be submitted to the Formal Hearing Officer(s) through the Dean of Students Office at least three days prior to the hearing. The Formal Hearing Officer(s) shall be the sole judge of whether they can serve with fairness and objectivity. In the event a Formal Hearing Officer(s) recuses themselves, a substitute will be chosen.
- d. Duties of Formal Hearing Officers



- i. The Formal Hearing Officer(s) is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Formal Hearing Officer(s) shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System. Within 5 days of the hearing, the Formal Hearing Officer(s) shall render and send to the Dean of Students and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violations as charged. Upon a finding of responsibility, the Formal Hearing Officer(s) shall assess a sanction or sanctions specified in Article IV of this Policy.
- e. Procedures
- The hearing shall be conducted in accordance with the following procedures:
- i. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing. If the hearing is an Accelerated Hearing under Article VIII(a), this information should be provided at least 3 days before the hearing.
 - ii. Each party shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Formal Hearing Officer), and be assisted by an Advisor of choice. The Advisor may be an attorney. If the Respondent's advisor is an Attorney, the Dean of Student's Advisor may be an attorney from the Office of General Counsel of the U.T. System. An Advisor may confer with and advise the Dean of Students or Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Formal Hearing Officer(s).
 - iii. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
 - iv. The Dean of Students may recommend a sanction to be assessed by the Formal Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the Student Respondent, and/or other factors deemed relevant by the Dean of Students. The Student Respondent shall be entitled to respond to the recommendation of the Dean of Students. In making the sanctioning decision, the Formal Hearing Officer will take into consideration any mitigating or aggravating factors.
 - v. The hearing will be recorded. If either party desires to Appeal the decision of the Formal Hearing Officer(s) in accordance with Article XI of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Formal Hearing Officer(s). The recording will be made available upon request to the Dean of Students and the Respondent within 3 days of the hearing date.



Article IX – Student Organizations Formal Hearing Process

- a. Investigation
 - i. Allegations of misconduct will be investigated by the Dean of Students. The president of the Student Organization will typically serve as the representative of the Student Organization. The Dean of Students may contact this individual or any other Student for a meeting for purposes of the investigation and/or to discuss the allegations. The Dean of Students may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least two days after the date of the request if the request is sent by email or hand delivered. If a Student fails to appear without good cause, as determined by the Dean of Students, the Dean of Students may bar or cancel the Student's enrollment or otherwise alter the status of the Student until the Student complies with the summons. If the Student failing to appear as directed in a summons is the Student against whom charges are being reviewed, in addition to the above, the Dean of Students may proceed with disciplinary action based upon other information available using the disciplinary procedures in this Policy. The refusal of a Student to read e-mail shall not be good cause for the failure to respond to a summons.
- b. Interim Disciplinary Action
 - i. Pending a hearing or other disposition of the allegations against a Student Organization, the Dean of Students may take immediate Interim Disciplinary Action if the institution determines circumstances warrant immediate action to ensure the safety of any person and/or the University community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegations or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegations and potential threat as soon as practicable after instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegations and any potential threat, the Dean of Students may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing as described in Article VIII(a) of this Policy, unless the Respondent agrees to an Administrative Resolution under Article VII(e).
- c. Reviewing the Evidence
 - i. The Dean of Students will review the evidence, determine whether the case will be referred to a formal hearing or if the case will be dismissed, due to unsubstantiated evidence.
- d. Notice of Hearing
 - i. Except in those cases where immediate interim disciplinary action has been taken, the organization shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Formal Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least 10 days prior to the hearing, the University will provide the organization all evidence obtained related to the allegation(s). The notice shall be emailed to the president of the organization at the e-mail address on record with the University. A notice sent via email will be considered to have been received on the day sent. The date for a hearing may be postponed by the Formal Hearing Officer for good cause or by agreement of



the Student and Dean of Students. If the Student Organization fails to appear, the Hearing will proceed without the benefit of the Student Organization's presence.

e. Duties of Formal Hearing Officers

- i. The Formal Hearing Officer(s) is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Formal Hearing Officer(s) shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System. Within 5 days of the hearing, the Formal Hearing Officer(s) shall render and send to the Dean of Students and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violations as charged. Upon a finding of responsibility, the Formal Hearing Officer(s) shall assess a sanction or sanctions specified in Article X of this Policy.

f. Procedures

The hearing shall be conducted in accordance with the following procedures:

- i. The Student Organization will receive a copy of the investigative report and all documentation to be presented by the Dean of Students during the hearing.
- ii. The Student Organization shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Formal Hearing Officer), and be assisted by an Advisor of choice. The Advisor may be an attorney. If the Student Organization's advisor is an Attorney, the Dean of Student's Advisor may be an attorney from the Office of General Counsel of the U.T. System. An Advisor may confer with and advise the Dean of Students or Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Formal Hearing Officer(s).
- iii. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- iv. The Dean of Students may recommend a sanction to be assessed by the Formal Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the Student Organization, and/or other factors deemed relevant by the Dean of Students. The Respondent shall be entitled to respond to the recommendation of the Dean of Students. In making the sanctioning decision, the Formal Hearing Officer will take into consideration any mitigating or aggravating factors.
- v. The hearing will be recorded. If either party desires to Appeal the decision of the Formal Hearing Officer(s) in accordance with Article XI of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Formal Hearing Officer(s). The recording will be made available upon request to the Dean of Students and the Respondent within 3 days of the hearing date.



Article X – Sanctions

The following sanctions, either singularly or in any combination, may be assessed by the Dean of Students or by the Formal Hearing Officer(s) as applicable, in accordance with these procedures:

- a. Conduct Status (Academic or Behavioral Conduct)
 - i. Warning – official notice the behaviors of the Student do not align with the expectations of the University.
 - ii. Conduct Probation – this means the Student is not in good conduct standing with the University. Further violations of this Policy *may* result in Suspension or Expulsion.
 - iii. Deferred Suspension – this means the Student is not in good conduct standing with the University. Further violations of this policy *will* result in Suspension or Expulsion.
 - iv. Suspension – removal from the University for a specified period of time or until the Student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript with the term “Disciplinary Suspension” during the term of the suspension or until all conditions of the suspension are met. Students who are suspended are also barred from being on the campus of any U.T. System institution without prior written approval of the Vice President of Student Affairs of that institution.
 - v. Expulsion – Permanent separation from the University. Expulsion creates a permanent notation on the Student’s academic transcript. Students who are expelled are also barred from being on the campus of any U.T. System institution without prior written approval of the Vice President of Student Affairs of that institution.
- b. Educational sanction – Completion of specified education sanction(s) related to the violation committed (Academic or Behavioral Conduct)
- c. Withholding of grades, official transcript, and/or degree (Behavioral Conduct)
- d. Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from the institution (Academic or Behavioral Conduct)
- e. Restitution or reimbursement for damage to or misappropriation of University or U.T. System property (Behavioral Conduct)
- f. Suspension of rights and privileges, including participation in athletic or extracurricular activities (Behavioral Conduct)
- g. Any Academic Sanction, including a failing grade or reduction of a grade for an examination, assignment, or for a course (Academic Conduct)
- h. Denial of degree (Academic or Behavioral Conduct)
- i. Revocation of degree and withdrawal of diploma (Academic or Behavioral Conduct)
- j. Any other sanction as deemed appropriate under the circumstances (Academic or Behavioral Conduct)

Sanctioning guidelines for both Academic and Behavioral Conduct are provided on the Dean of Students Office website. In assessing and approving sanctions for academic dishonesty, the Dean of Students shall give preference to the recommended sanction of the faculty member involved, provided the recommended penalty is within the Academic Integrity Violation Sanctioning Guidelines listed on the Dean of Students website.



Article XI – Appeals

A Respondent may appeal a disciplinary sanction assessed by the accusing Faculty member or Dean of Students in accordance with Articles VI(d)b and VII(e)b. A Respondent may also appeal the Dean of Student's determination of responsibility or sanction in accordance with Article VIII above. The accusing Faculty member, Dean of Students, or the Student may appeal the decision of the Formal Hearing Officer(s). An appeal shall be in accordance with the following procedures:

a. **Bases for Appeal**

A Respondent (and the accusing Faculty member or Dean of Students, where applicable) may appeal on any of the following grounds:

- i. The sanctions imposed are inappropriate and/or not commensurate with the circumstances (Note: this is the only appeal option available for Faculty Resolutions under Article VI(d)b or Administrative Resolutions under Article VII(e)b).
- ii. A procedural irregularity affected the outcome of the matter.
- iii. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter.
- iv. The accusing Faculty member, Dean of Students, investigator(s), or Formal Hearing Officer had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.

b. **Appeal Procedures**

- i. The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the Appeal Officer with a copy to the other party. The appeal must be stamped as received in the office of the Appeal Official no later than 14 days after the appealing party has been notified of the sanction assessed by the accusing Faculty member, Dean of Students, or the decision of the Formal Hearing Officer(s). The nonappealing party may, but is not required to, submit a response to the appeal within 7 days of receipt of the appeal. For purposes of calculating deadlines, the date that an appealing party has been notified of the sanction or the date the appealing party received a copy of the Formal Hearing Officer's decision is 3 days after the date the document was sent by mail to the recipient or, if emailed to the recipient, the day the email was sent.

An Appeal of the sanction(s) assessed by the accusing Faculty member or Dean of Students in accordance with Articles VI or VII or will be reviewed solely on the basis of the written argument of the Student and the accusing Faculty member or Dean of Students. The appeal of the decision of the Formal Hearing Officer(s) will be reviewed solely on the basis of the record from the hearing. The Dean of Students will submit the record from the hearing to the Appeal Officer as soon as it is available to the Dean of Students. The Appeal Officer, may, at the Appeal Officer's discretion, entertain oral arguments in an appeal from the decision of the Formal Hearing Officer(s). The Appeal Officer may also engage subject matter experts for purposes of some Academic Conduct violations.

c. **Appeal Officer's Authority**

- i. The Appeal Officer may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

d. **Communication of Decision**



- i. The Appeal Officer's decision shall be communicated in writing to the Respondent, the accusing Faculty member (if applicable), and Dean of Students within 10 days after receiving the Appeal and official record. The decision of the Appeal Officer is the final appellate review.

Article XII – Transcript Notations and Conduct Records

The academic transcript of a Student suspended or expelled for disciplinary reasons (not academic or financial) shall be marked with “Disciplinary Suspension” or “Disciplinary Expulsion” as appropriate. A notation should state whether the Student is eligible to reenroll.

If the Student becomes eligible to reenroll in the institution or the institution determines that good cause exists to remove the notation, the notation can be removed upon the request of the Student.

The University will maintain a permanent written conduct record for every Student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. Records of academic integrity cases shall be maintained for at least five years, and behavioral conduct records required by law to be maintained for a certain period of time, i.e. Clery violations, shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated sanctions in this section. A conduct record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. This conduct record shall be maintained by the Dean of Students Office. It shall be treated as confidential, and the record shall not be accessible to anyone other than the Dean of Students or University officials with legitimate educational interests, except upon written authorization of the Student or in accordance with applicable state or federal laws or court order or subpoena.

Related Statutes or Regulations, Rules, Policies, or Standards

Tex. Educ. Code §§ 51.9315, .936, .9364

Regents' *Rules and Regulations*, Rule 50101, Student Conduct and Discipline

SFA HOP 01-403 Dishonest or Fraudulent Activities

SFA HOP 01-305 Nondiscrimination

SFA HOP 01-307 Title IX

SFA HOP 02-318 Reproduction of Copyrighted Works by Educators and Librarians

SFA HOP 06-103 Digital Millennium Copyright

SFA HOP 04-121 Student Organization Formation and Recognition

SFA HOP 04-111 Involuntary Withdrawal

SFA HOP 05-501 Annual Disclosure of Crime Statistics

SFA HOP 05-512 Illicit Drugs and Alcohol Abuse

SFA HOP 05-509 Firearms Explosives and Ammunition

SFA HOP 06-101 Acceptable Use of Information Technology Resources

Residence Life Community Guidelines

Responsible Executive



Vice President of Student Affairs

Provost and Executive Vice President for Academic Affairs

Forms

None.

Revision History

September 1, 2023 (original)

August 8, 2024

Educational Policy



Illicit Drugs and Alcohol Abuse

Purpose

On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendment of 1989, 20 U.S.C. § 1011i, which amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965. University policies relating to the use of illegal drugs and alcoholic beverages have been established in compliance with state and federal law.

Persons Affected

This policy applies to all employees, faculty, and students.

Definitions

Controlled substance: A controlled substance in schedules I through V of the Schedules of controlled substances, 21 U.S.C. § 812. Examples include, but are not limited to: heroin, marijuana, mescaline, peyote and cocaine. This definition does not include medication prescribed by a physician.

Conviction: A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal drug statute: A criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

Federal agency: An agency as that term is defined in 5 U.S.C. § 551(1).

Policy

It is the university's policy that all members of the university community and guests are required to comply with federal, state and local laws regarding the possession, consumption and distribution of alcoholic beverages. All employees (full-time and part-time faculty, staff and students) are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

Alcoholic beverages will be permitted at authorized events on university-controlled property only as allowed under university policy. The unauthorized use of intoxicating beverages on university-controlled property or at university-sponsored activities, not to include authorized tailgating areas



at intercollegiate athletic events is prohibited. Students under the age of 21 years, residing in university residence halls, are prohibited from possessing, using, being in the presence of, purchasing, transporting, selling and/or distributing alcohol. Residential students who are of legal age may possess or consume alcoholic beverages that contain no more than fourteen percent (14%) alcohol by volume within their respective residence hall room or suite and not in the presence of an individual under the legal drinking age. Alcoholic beverages are permitted in the areas of university owned facilities that are designated as the private residence of full-time live-in employees of legal age.

It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be.

Health Risks

ALCOHOL ABUSE

Alcohol is a primary and continuous depressant of the central nervous system. Impairment of judgment and of recently learned, complex and finely tuned skills begins to occur at blood alcohol concentrations as low as 0.025 percent. These impairments are followed by the loss of more primitive skills and functions, such as gross motor control and orientation at concentrations in excess of 0.05 percent. Alcohol in moderate doses impairs nearly every aspect of information processing, including the ability to abstract and conceptualize, the ability to use large numbers of situational cues presented simultaneously, and the cognitive ability to determine meaning from incoming information. Alcohol consumption can therefore promote action on impulse without full appreciation of, or concern about, the potential negative consequences of such action. Chronic long-term effects of heavy drinking over a period of years can result in brain damage; cancer of the mouth, esophagus or stomach; heart disease; liver damage resulting in cirrhosis, alcoholic hepatitis, and cancer of the liver; peptic ulcer disease; and possible damage of the adrenal and pituitary glands. Prolonged, excessive drinking can shorten life span by 10 to 12 years.

ILLICIT DRUGS

Illicit drugs include narcotics, such as heroin or morphine; depressants, such as barbiturates, quaaludes, or valium; stimulants, such as cocaine or "crack"; hallucinogens, such as PCP, LSD or mescaline; cannabis, such as marijuana or hashish; inhalants, such as nitrous oxide, amyl nitrite (poppers) or various hydrocarbon solvents; and designer drugs, such as α -methylfentanyl (China White), methamphetamine (Meth/Crank/Speed), 3,4-methylenedioxy-methamphetamine (MDMA/Ecstasy) or meperidine (Demerol).

Narcotics. Narcotics initially produce a feeling of euphoria that is often followed by drowsiness, nausea and vomiting. Tolerance may develop rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as human immunodeficiency virus (HIV), endocarditis (inflammation of the lining of the heart) and hepatitis.



Depressants. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait, and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

Stimulants. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and increased body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause human immunodeficiency virus (HIV), hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

Hallucinogens. Include a diverse group of drugs that alter perception (awareness of surrounding objects and conditions), thoughts, and feelings. They cause hallucinations, or sensations and images that seem real though they are not. Hallucinogens can be found in some plants and mushrooms (or their extracts) or can be human-made. Common hallucinogens include the following: ayahuasca, DMT, *D-lysergic acid diethylamide* (LSD), peyote(mescaline), and *4-phosphoryloxy-N,N-dimethyltryptamine* (psilocybin). Some hallucinogens also cause users to feel out of control or disconnected from their body and environment. Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens, and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause perceptual distortions (mixed senses, such as "seeing" sounds or "hearing" colors) and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have adverse psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

Inhalants. The chemicals in most inhalants are rapidly absorbed in the lungs and exert their central nervous system effects within seconds, producing an altered mental state for about five to fifteen minutes. Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue,



lack of coordination and loss of appetite. Solvents and aerosol sprays can decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite can cause rapid pulse, headaches, and involuntary passing of urine and feces. Inhalation of toluene as well as other hydrocarbons has been associated with kidney and liver damage, peripheral nerve problems, convulsions, encephalopathy (organic brain damage) and other central nervous system disorders. Sudden death associated with both glue sniffing and especially the inhalation of aerosols containing halogenated hydrocarbons (Freon) has been reported and is thought to be secondary to cardiac arrhythmias (abnormal electrical conduction patterns in the heart).

Marijuana. The short term effects of marijuana include distortion of time perception, increased heart rate, dilation of blood vessels and loss of short-term memory. Also decreased are visual perception and psychomotor skills, which have adverse effects on driving ability. The effects of long-term use include loss of motivation, chronic bronchitis, decreased vital lung capacity and an increased risk of lung cancer. Tolerance and psychological dependence develop with marijuana.

Other Illegal Drugs. Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain. Flunitrazepam (Rohypnol) is a benzodiazepine chemically similar to prescription sedatives such as Valium and Xanax but much more powerful and has been used to commit sexual assaults due to its ability to sedate and incapacitate unsuspecting victims. Similarly, Gamma-hydroxybutyrate (GHB) is a depressant and is sometimes used as a date rape drug.

Synthetic cannabinoids are part of a group of drugs called new psychoactive substances (NPS). NPS are unregulated mind-altering substances that have become newly available on the market and are intended to produce the same effects as illegal drugs. Synthetic cannabinoids are marketed under a wide variety of specific brand names, including K2, Spice, Joker, Black Mamba, Kush, and Kronik. Synthetic cannabinoids are not safe and may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases, more dangerous or even life-threatening. Synthetic cathinones, more commonly known as "bath salts," are human-made stimulants and are included in the group of NPS. Common effects of synthetic cathinones included elevated heart rate, blood pressure, and chest pain. Other effects include delirium, dehydration, breakdown of skeletal muscle tissue, and kidney failure. Intoxication from synthetic cathinones can result in death.

Procedures



University Penalties

STUDENTS

Students who are found responsible or accept responsibility for alcohol and/or drug violations will be sanctioned through the Code of Student Conduct and Academic Integrity process. Potential sanctions include, but are not limited to, disciplinary reprimand, disciplinary probation (e.g. restrictions on university activities, access to certain university facilities and resources), educational requirements (e.g. required completion of an appropriate rehabilitation program), suspension, and/or expulsion and referral for criminal prosecution, as those terms are defined in SFA HOP 04-106 Code of Student Conduct and Academic Integrity.

EMPLOYEES

All employees (full-time and part-time faculty, staff and students) are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

Observance of the policy regarding alcoholic beverages and illegal drugs is a condition of employment for all university employees. An employee violating this policy shall be subject to employment discipline up to and including termination, or shall be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program, such as the Employee Assistance Program of the university.

Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the dean of research and graduate studies. On behalf of the university, the dean of research and graduate studies will notify the federal agency grantor or contractor of the conviction within ten days of the university's receipt of notice from the employee or of receipt of other actual notice.

Good Faith Effort

Stephen F. Austin State University shall make a good faith effort to maintain a drug-free workplace by implementing and enforcing this policy. The university shall also comply with United States Department of Transportation regulations regarding drug testing of drivers with a commercial driver's license.

Federal Law



Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution or dispensing drugs (includes marijuana)	A term of imprisonment not more than 20 years, and a minimum fine of \$1,000,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$4,000,000 (for an individual) or \$20,000,000 (if other than an individual)
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years or not less than 5 years, a fine of not less than \$5,000 plus costs of investigation and prosecution
Operation of a common carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

Texas Law

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances (drugs)	Confinement in the Texas Department of Criminal Justice State Jail facility for a term of not more than two years or less 180 days, or confinement in a community correctional facility for not more than 1 year, and a fine not to exceed \$10,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Delivery of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000
Possession of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more than 10 years or less than 2 years and a fine of not more than \$10,000



Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	Confinement in jail for a term of not more than two years or less than 72 hours, and a fine of not more than \$2,000, possible loss of driver's license and license surcharge up to \$2,000 per year for three years.	Confinement in jail for a term of not more than two years or less than 30 days, or confinement in TDCJ for a term of not more than ten years or less than two years and a fine of not more than \$10,000
Public intoxication		A fine not to exceed \$500
Purchase or consumption or possession of alcohol by a minor	Fine of not more than \$500	For a subsequent offense a fine of not less than \$250 nor more than \$2000
Sale of alcohol or furnishing alcohol to a minor	Fine of up to \$4,000 and/or up to 1 year in jail	Both
Purchase of alcohol or furnishing alcohol to a minor at a gathering involving abuse of alcohol, including binge drinking or coercion	In addition to any other penalty, community service for not less than 20 hours, attendance at an alcohol awareness program, and suspension of driver's license for 180 days.	In addition to any other penalty, community service for not more than 40 hours, attendance at an alcohol awareness or driving awareness program, and suspension of driver's license for 180 days.
Driving under the influence of alcohol by a minor	Fine of not more than \$500 and community service related to education about or prevention of misuse of alcohol.	A fine of not less than \$500 or more than \$2,000, confinement in jail not to exceed 180 days and/or both; community service related to education about or prevention of misuse of alcohol.

Limited Immunity When Requesting Medical Assistance

A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor: (1) requests emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance; and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person, the minor remained on the scene until medical assistance arrives and cooperated with medical assistance and law enforcement personnel.

This immunity shall also apply to the imposition of any university sanction.



Limited Immunity When Reporting Sexual Assault

A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to: (1) a health care provider treating the victim of sexual assault; (2) an employee of a law enforcement agency, including the University Police Department; or (3) the Title IX Coordinator or other university employee responsible for responding to reports of sexual assault. The alleviation of sanctions will not apply to any student found to be responsible for committing a sexual assault.

This immunity shall also apply to the imposition of any university sanction.

Counseling, Treatment and Rehabilitation

STUDENTS

Stephen F. Austin State University, through the counseling services office, provides individual and group counseling, including counseling for alcohol/other drug prevention and intervention, which is available to all students. Services include assistance in abstaining from the use of chemical substances, early intervention when chemical abuse is detected, and referral to community resources for inpatient/outpatient services not available on campus. Medical counseling and printed information on chemical dependency are available through the Student Health Clinic. Students may seek individual counseling or request printed information at either campus location.

Prevention/Education.

Consistent with the overall objective of this policy to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on campus, prevention and education initiatives are designed to: increase awareness of the students, faculty, and staff concerning the psychological and health risks associated with chemical use; provide information to students regarding a variety of wellness issues which promote successful college adjustment; and, orient students, faculty and staff to the services available on campus and locally for treatment options. The Lumberjacks Care Peer Educator program (Student Wellness Action Team) offer presentations to student groups on a variety of topics including alcohol and substance abuse, adult children of alcoholics, assertiveness skills, stress and time management, self-esteem and related issues. Public programming occurs throughout the year across campus including but not limited to, wellness fairs, campus events, passive tabling, and Residence life programs. In addition, student groups, departments, or individual courses, may request private trainings addressing the risk of substance abuse and other wellness programming by contacting the Lumberjacks Care office.

On request, Counseling Services provides presentations on a variety of topics including healthy stress management techniques, maintaining personal wellness, and other mental health related topics, which include information designed to increase awareness of the psychological and health



risks associated with chemical use.

Referral/Assessment.

Any SFA student requiring information about, or assistance with, a chemical abuse problem may be referred to counseling services. A student may initiate a self-referral by contacting the counseling office; university faculty and staff may initiate a student referral. Participation by a student is voluntary, except when mandated by the student conduct authority. A counselor conducts an assessment interview on the student's initial visit and provides the student with details regarding confidentiality and record keeping requirements. The counselor informs the student of alternatives and makes recommendations based on the student's needs.

Campus Support System.

Counseling services can assist students in accessing support systems on campus, including providing group counseling support as needed. Support groups function under guidelines established by counseling services.

Community Referral.

Services for chemical dependency are available in the Nacogdoches community and include: private practitioners offering individual counseling or intellectual/psychological assessment and agencies (such as the Alcohol and Drug Abuse Council) which provide a variety of services such as individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient or outpatient treatment.

EMPLOYEES

University employees with supervisory responsibilities should be cognizant of employee behavior related to unacceptable job performance which may result from drug or alcohol abuse. Any decision to initiate employee counseling or a referral to human resources should be based on the employee's unacceptable job performance (which may include violations of this policy). Employee counseling, referral and related record keeping should be conducted with the degree of care and confidentiality appropriate to such personnel matters. Services for employees with a chemical dependency are available in the community, including private practitioners offering individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient/outpatient treatment at various health care facilities.

Review and Assessment

It is the intent of Stephen F. Austin State University to continue to strive for a drug-free campus and to comply with state and federal regulations regarding prevention programs established to eliminate the illegal use of drugs and alcohol abuse. To this end, SFA will provide written notice to each student and employee a copy of this policy. Students will receive written notice according to the following schedule:

- On the first business day following the 12th class day of each long semester



- On the first business day following the 8th class day following mid-term in each long semester
- On the first business day following the 2nd class day of Maymester
- On the first business day following the 4th class day of Summer I and II semesters

Employees will receive written notice no later than October 31st of each year, and all new employees will be notified during new employee orientation.

In addition, the university will conduct a biennial review of the program implemented to provide a learning and working environment free of drug and alcohol use. The purposes of the biennial review will be to: 1) determine the effectiveness of the program and implement needed changes; and 2) ensure that the sanctions included in the program are consistently enforced. The university's dean of student affairs will be responsible for initiating the biennial review. The results of this review will be released in July of even numbered years.

Related Statutes or Regulations, Rules, Policies, or Standards

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707

Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1011j, 34 C.F.R. §§ 86.1-.411

21 U.S.C. §§ 812, 841-865

5 U.S.C. § 551(1)

OMB Part 200

General Appropriations Act

Tex. Gov't Code § 2113.012

Tex. Transp. Code § 708.102

Tex. Alco. Bev. Code §§ 106.01-.15

Tex. Penal Code §§ 12.01-.49, 49.01-.12

UTS 102 Drugs and Alcohol Policy

SFA HOP 02-308 Faculty Code of Conduct

SFA HOP 04-106 Code of Student Conduct and Academic Integrity

SFA HOP 05-505 Drug and Alcohol Testing

SFA HOP 03-304 Discipline and Discharge

SFA HOP 05-521 Use of Alcoholic Beverages

Responsible Executive

Director of Human Resources, Assistant Vice President of Student Affairs and Dean of Students

Forms

None



**STEPHEN F. AUSTIN
STATE UNIVERSITY**

Handbook of
Operating Procedures

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Last Revised: N/A

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September 1, 2023 (original)