



University of Dallas

Health and Safety

Drug and Alcohol Policy

POLICY AHD

Responsible Executive:

General Counsel

Responsible Office:

Office of General Counsel

Approved by: Board, 12.30.20

Issued: 12.30.20

Revised: n/a

1. PURPOSE

This Policy contains University of Dallas policy regarding the possession, use, or distribution of alcohol and illegal drugs by students and employees. It is intended to provide the University's policies in compliance with 34 C.F.R. § [668.46\(b\)\(8\)-\(9\)](#) and 34 C.F.R. [Part 86](#) (regulations implementing section 22 of the Drug-Free Schools and Communities Act).

2. ILLEGAL DRUGS PROHIBITED

Violations of federal and Texas laws regarding the possession, use, or distribution (whether or not by sale) of illegal drugs and controlled substances by students, employees, or visitors are violations of University policy and may result in disciplinary action.

- 2.1. Being in the presence of illegal drugs that are being openly and obviously consumed or possessed implies use or possession, respectively, and may result in disciplinary action.
- 2.2. Possession on campus of drug paraphernalia or items associated with the use of illegal drugs are prohibited and will be confiscated upon discovery. This includes, but is not limited to, bongos, hookahs, water pipes, roach clips, blow tubes, small scales, unidentifiable pills and razorblades.

3. ALCOHOL RESTRICTIONS

The University expects that, if members of the University community, including students, employees, and visitors, possess or consume alcohol, they will do so in a temperate manner and in accordance with this Policy and applicable laws.

- 3.1. **Legal violations are policy violations.** Violations of United States and/or State laws regarding the possession, use, or distribution (whether or not by sale) of alcohol by students, employees, or visitors are violations of University policy and may result in disciplinary action.
- 3.2. **Underage drinking.** The distribution of alcohol to or consumption of alcohol by someone under the age of twenty-one is prohibited, except as permitted by applicable law.
- 3.3. **Employee-specific restrictions.**
 - 3.3.1. **On-campus and at University-sponsored events.** Intoxication on-campus or at University-sponsored events off-campus to the degree that the employee may endanger him or herself or

another, that detracts from the employee's ability to perform the duties of the employee's position, or that tends to bring the University into disrepute, is a violation of this Policy.

3.3.2. **Use of motor vehicles and heavy machinery.** For safety reasons, employees who operate university vehicles or equipment or who work under potentially hazardous conditions are prohibited from consuming alcohol beverages while on the job, even if alcohol is served with meals or on celebratory occasions sponsored by the University.

3.4. **Student-specific restrictions.**

3.4.1. **Immoderate drinking.** Immoderate drinking is prohibited. Immoderate drinking is defined as the use of alcohol, on- or off-campus, in a manner that results in intoxication or in behavior judged to be abusive, offensive, disorderly, unlawful, or dangerous to others and/or themselves.

3.4.2. **Paraphernalia.** The possession of kegs, taps, mounted bottle openers, empty alcohol containers, and similar paraphernalia by persons who are not legally permitted to consume alcoholic beverages is prohibited and such devices will be confiscated.

3.4.2.1. Empty alcohol containers (e.g., steins or wine bottles) that a student can prove, by a preponderance of the evidence, are used exclusively for decoration and not for consumption may be permitted at the discretion of the Dean of Students.

3.4.2.2. Unless possession of the paraphernalia by the student-owner is illegal, the student-owner may be permitted to take the paraphernalia home/remove the paraphernalia from campus.

3.4.3. **Social hosts.** Students hosting a party, whether on campus or off campus, must act responsibly as to the distribution and consumption of alcohol and/or controlled substances by their guests at the party.

3.4.3.1. A student hosting a party is not acting responsibly when the student host (adapted from Tex. Alco. Bev. Code § [2.02](#)(b) and (c)):

3.4.3.1.1. Provides, sells, or serves alcohol beverages to a person who is obviously intoxicated to the extent that the recipient presents a clear danger to the recipient or to others; or

3.4.3.1.2. Knowingly serves or provides to a recipient who is under the age of twenty-one, or allows a recipient who is under the age of twenty-one to be served or provided, alcoholic beverages that contribute to the recipient's intoxication. This subsection does not apply when the student host is the recipient's parent, guardian, or spouse.

3.4.3.2. Social host responsibility includes responsibility when the intoxication of the recipient is a proximate cause of damages to the recipient or a third-party, including the University.

3.5. **Alcohol on campus.**

- 3.5.1. **Aramark-controlled areas.** The consumption of alcoholic beverages is only permitted in the Rathskellar when the alcoholic beverages are provided by the University's food service contractor, Aramark. In addition, such beverages must be consumed in accordance with all applicable laws, regulations, and licensing requirements.
- 3.5.2. **University events.** If a Department, University official, or an official student organization sponsors an event on campus at which fifty (50) or more people are expected, or at which people from outside the University community are expected to attend (e.g., public talks) and that involves the provision or consumption of alcoholic beverages, the Department, University official, or student organization must:
- 3.5.2.1. Provide written notice at least forty-eight hours prior to the event to the applicable Department Head and the University of Dallas Police Department;
 - 3.5.2.2. Provide non-alcoholic beverages as well (and any advertisements mentioning the provision of alcoholic beverages should also mention the availability of non-alcoholic beverages);
 - 3.5.2.3. Arrange for reasonable methods to prevent persons from possessing, using, or distributing alcohol in violation of applicable law (e.g., using wristbands to prevent underage consumption); and
 - 3.5.2.4. Arrange for the appropriate number of police officers when at least one hundred people are expected: one police officer for each one hundred people.
- 3.5.3. **Student organizations.** If an official student organization sponsors an event on- or off-campus that involves the provision or consumption of alcoholic beverages, the student organization must have the approval of the Dean of Students prior to the event and prior to any advertising for the event.
- 3.5.4. **Private consumption.**
- 3.5.4.1. **Students.** The consumption of alcoholic beverages and the possession of open containers and alcoholic beverages by students, except at University events, are restricted on-campus to Aramark-controlled areas and residence hall rooms or student apartments, if all residents and guests of the room or apartment are of legal drinking age.
 - 3.5.4.1.1. Students of legal drinking age must store alcohol in an inconspicuous manner (i.e. in the refrigerator or closet).
 - 3.5.4.1.2. If one roommate is of legal drinking age and the other roommate is not of legal drinking age, no alcohol can be possessed, consumed or stored in the room or apartment. In triple and quad rooms, all students assigned to the triple or quad must be of legal drinking age for alcohol to be permitted.

- 3.5.4.1.3. Students of legal drinking age are not permitted to consume alcohol in the rooms of underage students. Underage students may not be present in a residence where students who are of age are consuming alcohol.
- 3.5.4.1.4. Residence hall and student apartment residents who are of legal drinking age who host a social event in their room or apartment at which there are alcoholic beverages are responsible for seeing that persons under the legal drinking age are not present and that there is no immoderate drinking at the event. The residents assigned to the room or apartment are also responsible for the behavior of their guests, damages, and cleanup.

4. SMOKING RESTRICTIONS

Smoking anything, including, but not limited to, cigarettes, cigars, pipes, cigarillos, and similar products, is strictly prohibited on campus in the following places:

- 4.1. Inside any and all buildings, including, but not limited to, the residence halls and the student apartments;
- 4.2. On the patios and balconies of the residence halls and student apartments, with the exception of Clark Hall;
- 4.3. Within 25 feet of entrances and exits of University facilities, buildings, residence halls, student apartments, and outdoor athletic fields;
- 4.4. Within 25 feet of fresh air intakes and operable windows of University buildings;
- 4.5. Inside any University-owned or leased vehicles; and
- 4.6. Anywhere containing signage prohibiting smoking.

For purposes of this policy, use of electronic cigarettes, vapor cigarettes, and similar products fall within the category of smoking and are therefore restricted.

5. SANCTIONS

The University imposes disciplinary sanctions on students and employees for violations of this Policy that are consistent with University policy and procedures, as well as applicable local, state, and federal law.

- 5.1. **Policy violations.** Violations of this Policy may subject students and employees to sanctions in accordance with University policy and procedures.
 - 5.1.1. Sanctions may include, but are not limited to, mandatory rehabilitation, expulsion or termination of employment, and referral for prosecution. In addition, items possessed in violation of this Policy will be seized and destroyed or otherwise disposed of. Such items will not be returned.

5.2. **Amnesty / Good Samaritan policy.** A student who calls for emergency assistance on behalf of a person experiencing an alcohol or drug-related emergency will not be subject to disciplinary action for related violations of this Policy. A student receiving emergency medical assistance due to use of alcohol or other drugs will be evaluated in order to provide the student with additional resources.

5.3. **Texas law.** Violations of Texas law may result in imprisonment up to life imprisonment, and fines of up to \$300,000. For additional information, see

<https://www.dshs.texas.gov/drugs/controlled-substances.aspx>

5.4. **Federal law.** Violations of federal law may result in imprisonment of up to between one year and twenty years, forfeiture of personal and real property used to facilitate certain offenses, and fines of between \$1,000 and \$4,000,000. For additional information, see

<https://www.deadiversion.usdoj.gov/21cfr/21usc/>

6. DRUG PREVENTION PROGRAM

The University will adopt a drug prevention program that, at a minimum, includes the following (adapted from 34 C.F.R. § [86.100](#)):

6.1. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, of:

6.1.1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

6.1.2. A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

6.1.3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

6.1.4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

6.1.5. A clear statement that the University will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by Sections 2, 3, and 4 of this Policy. For the purpose of this Policy, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

6.2. A biennial review by the University of its program to:

6.2.1. Determine its effectiveness and implement changes to the program if they are needed; and

- 6.2.2. Ensure that the disciplinary sanctions described in Section 5.1 of this Policy are consistently enforced.

7. DEFINITIONS

- 7.1. **“Intoxication”** means not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a dangerous or illegal drug, a combination of two or more of those substances, or any other substance into the body. (adapted from Tex. Penal Code § [49.01\(2\)](#)).
- 7.2. **“University”** and **“the University”** mean the University of Dallas.

8. RESPONSIBILITIES

Responsible Party	List of Responsibilities
Office of General Counsel	<ol style="list-style-type: none"> 1. Oversee compliance with this Policy. 2. Coordinate with the Offices of Student Affairs and Human Resources regarding preparation of the biennial review.
Office of Student Affairs	<ol style="list-style-type: none"> 1. Provide annual distribution of information to students as specified in Section 6 of this Policy. 2. Provide educational programs for students regarding this Policy and the dangers associated with drugs and alcohol. 3. Enforce this Policy as to offenses committed by students. 4. Monitor enforcement as to students for consistency.
Office of Human Resources	<ol style="list-style-type: none"> 1. Provide annual distribution of information to employees as specified in Section 6 of this Policy. 2. Provide educational programs for employees regarding this Policy and the dangers associated with drugs and alcohol. 3. Enforce this Policy as to offenses committed by employees. 4. Monitor enforcement as to employees for consistency.

9. PROCEDURES

Task	Procedure
Providing educational programs and information	<ol style="list-style-type: none"> 1. The Office of Student Affairs and the Office of Human Resources will develop educational programs for, respectively, students and employees regarding this Policy and the dangers associated with drugs and alcohol. 2. The Office of Student Affairs and the Office of Human Resources will provide educational programs for, respectively, students and employees regarding this Policy and the dangers associated with drugs and alcohol.

	<ol style="list-style-type: none"> The Office of Student Affairs and the Office of Human Resources will document participation in educational programs for, respectively, students and employees regarding this Policy and the dangers associated with drugs and alcohol.
Enforcing restrictions	<ol style="list-style-type: none"> The Office of Student Affairs and the Office of Human Resources will enforce this Policy as to, respectively, students and employees. The Office of Student Affairs and the Office of Human Resources will maintain records regarding any disciplinary sanctions imposed on, respectively, students and employees, for violations of this Policy.
Monitoring consistency of enforcement and effectiveness of educational programs	<ol style="list-style-type: none"> The Office of Student Affairs and the Office of Human Resources will monitor the consistency of the enforcement of this Policy by their respective offices. The Office of Student Affairs and the Office of Human Resources will monitor the effectiveness of the educational programs provided by their respective offices.

10. POLICY ENFORCEMENT

Enforcement	The Office of General Counsel, Office of Student Affairs (as to students), or Office of Human Resources (as to employees) will investigate suspected violations of this Policy, and take appropriate action in accordance with University policy.
Reporting Violations	Report suspected violations of this Policy to the Office of General Counsel, Office of Student Affairs (for suspected violations by students), or Office of Human Resources (for suspected violations by employees).

11. RELATED DOCUMENTS

Policy or Document	Web Address
Policy AIC-C - Consumer Information Policy - Security and Crime Information	https://udallas.edu/about/university-policies/index.php
Policy ALS - Law Enforcement - Safety and Security Policy	https://udallas.edu/about/university-policies/index.php

12. CONTACTS

Subject	Office or Position	Telephone Number	Office Email or URL
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Policy Clarification	Office of General Counsel	(972) 721-5363	hlachenauer@udallas.edu
Students	Office of Student Affairs	(972) 721-5294	studentaffairs@udallas.edu
Employees	Office of Human Resources	(972) 721-5382	hr@udallas.edu
Web Address for this Policy		https://udallas.edu/about/university-policies/index.php	