



21-22  
Academic  
Year

# UNIVERSITY OF MARY HARDIN-BAYLOR

## Alcohol and Dangerous Drugs Policies

The University of Mary Hardin-Baylor prohibits the lawful and unlawful possession, use or distribution of illicit drugs or alcohol by students and/or employees.

## POLICY REGARDING ALCOHOL AND DRUG USE

Excerpts from UMHB Student Handbook (<https://go.umhb.edu/students/student-handbook>).

The university is committed to the spiritual, mental, social, and emotional development of students and believes that growth in these areas is greatly impaired by mind-altering substances. Education and learning are especially impaired by alcohol abuse and other drug use. It is the goal of the university to provide an alcohol and drug-free environment in which to live, work, and learn, to discourage the use of alcohol and drugs and to promote sobriety. The UMHB community cares deeply about the health and safety of our students. Furthermore, UMHB recognizes the heightened dangers associated with alcohol and drug use. The consequences of life choices and decisions that students make extend far beyond the college experience.

Therefore, the possession, use, sale, purchase, manufacturing, or distribution of alcohol, illegal or controlled substances, mind or perception altering drugs, or the misuse of chemicals such as glues or solvents, is strictly prohibited on campus and at all University sponsored events and trips. Intoxication or impairment, on or off campus is a violation of the Student Standards of Conduct. Any student who engages in conduct that violates the UMHB Student Standards of Conduct or federal, state, or local laws is subject to discipline whether or not civil or criminal penalties are also imposed for such conduct.

If a student violates this policy, at a minimum, the university will impose a disciplinary penalty of disciplinary probation for a specified period of time. Other penalties that may be imposed include suspension from school, suspension of rights and privileges, payment for damage to or misappropriation of property, expulsion, or such other penalty deemed appropriate under the circumstances. The university reserves the right to require students to submit to an alcohol or drug test for reasonable cause and/or periodically after a violation of this policy has occurred.

The university may allow students under some circumstances to voluntarily submit an alcohol or drug test result from a drug testing facility approved by the university, in conjunction with a code of conduct review process. The Dean of Students will serve as the point of contact for this type of alcohol and drug testing, unless the testing is in conjunction with specific program requirements, as described in the next paragraph.

In addition to the University's Drug and Alcohol Policy, certain programs within the university have a drug and alcohol policy (which may include requirements for drug screening, testing for cause and/or random drug testing) applicable specifically to participants in that program. Information will be published and made available directly to program participants.

The only exception to this policy is the lawful use of prescription medications by the person for whom the medication was intended, or the reasonable use of over-the-counter medications for their intended purpose. Exceptions to Disciplinary Action: In order to encourage students to seek medical attention if necessary, for themselves or other students and to promote students' safety, the university will not impose disciplinary sanctions for violation of the alcohol policy against a student who:

1. requested emergency medical assistance in response to the possible alcohol overdose of the student or another person;
2. was the first person to make the request for medical assistance; and
3. if the student requested emergency medical assistance for the possible alcohol overdose of another person, remained on the scene until the medical assistance arrived; and cooperated with medical assistance and law enforcement personnel.
4. If the student voluntarily reports a sexual assault to the university. (see Title IX section for more on this topic).

On and Off-Campus Conduct Students and employees are expected to comply with the university's policies that prohibit unlawful discrimination, including sexual harassment, gender harassment, sexual misconduct, sexual assault, and stalking, whether on or off campus. Any student who witnesses or experiences such conduct on campus or off-campus is encouraged to report the matter as described later in this section.

## PROHIBITIONS

The University explicitly prohibits:

1. The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription for the person for whom the drug was intended on university premises or while performing an assignment, including travel.
2. Being impaired or under the influence of legal or illegal drugs or alcohol away from the university or customer premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the university's reputation.
3. Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the university or customer premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the university's reputation.
4. The presence of any detectable amount of prohibited substances in the employee's system while at work, while on the premises of the university or its customers, or while on university business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.
5. As a practical matter of enforcement and in order to prevent disagreements regarding violations of the alcohol policy and health hazards, empty alcoholic beverage containers are not permitted on campus. Such containers will result in employees being charged with an alcohol violation. An employee who uses or possesses a drug authorized by and in the manner prescribed by a licensed physician through a prescription specifically for that employee's use will not be considered to have violated this policy.

## INSPECTIONS OF STUDENT HOUSING

Members of the Residence Life staff or other UMHB employees, agents, and contractors authorized by the University will, at times, be required to enter a resident's room, apartment, or campus house, without prior notice for custodial or maintenance work, to handle emergencies, to check for health or fire hazards, to inspect for drugs, alcohol, or other contraband, or to otherwise ensure compliance with University rules and regulations. If it is necessary to enter a room, the staff member will knock first, but if there is no answer or the student does not open the door, entry with a key may be required. Residents should respond by opening the door when a staff member identifies him/herself.

The university reserves the right to remove, store and/or dispose of any prohibited item(s) found in a student's housing, belongings, or assigned storage. In most cases, the student will be required to remove the item. If contraband, such as weapons, alcohol, drugs, drug paraphernalia, or any item that could potentially present a danger to residents is found, university staff can remove or dispose of the item immediately.

## INSPECTIONS OF MOTOR VEHICLES

By bringing a motor vehicle onto the university's private property, the operator of the vehicle consents for the university to inspect that motor vehicle, including the trunk and glove compartments, and to remove and dispose of, as appropriate, any items which are prohibited on campus including alcohol, drugs, or weapons.

### GENERAL GUIDELINES FOR PARTICIPATING IN SOCIAL MEDIA SITES:

Internet services such as Twitter, Facebook, YouTube, Instagram, Google and others enable individuals to interact with an expansive universe of people and to connect with friends and family. While the university supports and encourages individual freedom of expression, it also has concerns about the safety and well-being of students, faculty, staff, and the University's image. What you post may affect your future. Postings by students on personal profiles, groups and chat rooms are often in the public domain and easily accessible by anyone including parents, potential employers, graduate school admissions officials, and even predators. Even after it has been deleted, information posted on a web site can sometimes be retrieved by persons with sufficient technical computer skills.

You are expected to monitor your own social media, and post (or retain, if sent to you by others) only information and images that appropriately represent the university and its Christian standards. You must promptly remove anything posted by someone else which violates this policy.

Educating and protecting students is a primary concern of the university. The following information was developed to provide you with some guidance as to what type of behavior is appropriate for your social media. These guidelines are not all inclusive; rather, they are intended to be used as a foundation for sound decision making.

General Guidelines for participating in social media sites:

1. Before participating in any online community, understand that anything posted online is often available to anyone in the world.
2. Do not post your home address, local address, phone number(s), birth date or other personal information (e.g., class schedule, social plans) as it could lead to unwanted attention, stalking, identity theft, etc.
3. Set your security settings so that only individuals known to you can view your profile.
4. Do not post any information that would violate UMHB's Christian standards, its student rules of conduct, or state or federal laws.
5. Do not post or permit any information, photos or other items online that could embarrass you, your family, or UMHB. This includes (but is not limited to) information, photos, quotes, and other items that may be tagged to you from another user.
6. Do not add a "friend" unless it is someone you actually know.
7. Do not comment on matters that could reasonably be expected to be confidential regarding your fellow students or UMHB.

Guidelines for the use of words, abbreviations, acronyms, and/or phrases not permitted anywhere on student's social media sites, regardless of who posted them, include (but are not limited to) the following:

1. Any words or phrases considered to be harassing and/or discriminatory in nature on the basis of sex, race, color, religion, disability, national origin, or sexual orientation.
2. Any demeaning or disparaging statements.
3. Sexually explicit language.
4. Using profanity, including symbols, abbreviations, acronyms, or other inappropriate or offensive language.
5. Words or phrases to describe inappropriate social activities (e.g., partying, boozing and smoking) are not appropriate activities for students.
6. Words or phrases you would not want attributed directly to you should they be released publicly (e.g., newspaper, television story).
7. Threats of violence.

Photo and Video Guidelines - examples of inappropriate or offensive behaviors posted on students' social media sites, regardless of who posted them, include (but are not limited to) depictions or presentations of the following:

1. Hazing, an activity that is strictly prohibited.
2. Posting pictures, videos, posters or other media that condone drug related activity. This includes but is not limited to images that portray the use of marijuana or other illegal drugs or drug paraphernalia.
3. Posting pictures, videos, posters or other media with obscene, lewd or lascivious gestures or behavior. This could include the use of alcohol, tobacco or similar products in a manner that is offensive or degrading to the University and its mission.
4. Posting pictures, videos, posters or other media that are of a sexual nature. This includes links to websites of a pornographic nature and other inappropriate material.

5. Any words or phrases considered to be harassing and/or discriminatory in nature on the basis of sex, race, color, religion, disability, national origin, or sexual orientation.
6. Posting pictures, videos, posters or other media that depict violence
7. Posting pictures, videos, posters or other media meant to demean the individuals included in the photo.
8. Posting pictures, videos, posters or other media you would not want publicly released on television or in a newspaper.

### DRESS CODE

Students at the University of Mary Hardin-Baylor are given the responsibility to dress appropriately and in accordance with the university's standard of Christian ethics. Within these parameters, students are expected to avoid personal appearance that is distracting while concurrently meeting additional rules related to special events or occasions such as chapel, graduation, or other ceremonies. Clothing which displays sexually suggestive materials, or advocates alcohol, drug use, profanity, tobacco, racism, or other concepts in conflict with Christian principles are strictly prohibited. Faculty may publish in the syllabus specific expectations regarding dress code for attendance in class. The absence of more specific rules on standards of dress does not excuse students from the duty to exercise individual responsibility for appropriate dress as a member of a Christian academic community.

### STUDENT MISCONDUCT DEFINED

The term misconduct refers to personal behavior on or off campus that interferes with UMHB's pursuit of its educational and Christian objectives, fails to exhibit a regard for the rights of others, or shows disrespect for the safety of persons or property. The following examples of misconduct are not inclusive but are intended to give a student an idea of the types of behavior that may result in disciplinary action.

1. Obstruction or disruption of teaching, research, administration, public service, or other activity or function of the university, or threatening such obstruction or disruption.
2. Acting in a manner, which, without adequate reason, creates or increases the risk of harm to the person or property of oneself or another member of the university community.
3. Using force, violence, or threats of force or violence toward students, employees, visitors or others.
4. Interference with, failure to cooperate with, or failure to provide identification to any UMHB administrator, faculty member, or staff person.
5. Physical or verbal abuse of any person, or indecent or obscene conduct, while: attending a university sponsored event, on university premises, wearing apparel or other identification of the university, in the presence of university students, or in public venues where a reasonable connection could be made between the conduct and the university.

6. Actions, which evidence disregard for appropriate professional boundaries between students and university faculty and staff. University employees are directed not to engage in a personal relationship with a student if the employee has the ability to influence the student's employment, housing, financial aid, disciplinary or academic record. Students should not solicit, encourage, or participate in such a relationship.
7. Threats, physical abuse, or harassment directed toward a member of the UMHB faculty, staff, student body, or toward a visitor to the campus.
8. Any conduct, including speech or writing that is in opposition to the Christian ideals, which the University of Mary Hardin-Baylor strives to uphold.
9. Violating the university's written policies regarding alcohol, tobacco, or other drugs.
10. Theft, abuse, damage or the threat thereof, of university resources or the resources of any employee, student, vendor or visitor of the university.
11. Use or possession of firearms, explosives, fireworks, missiles, or weapons on campus without the approval of the Vice President for Student Life.
12. Unauthorized entry or use, unsafe use or inappropriate use of university vehicles, facilities, property, equipment, or electronic mail.
13. Forgery, alteration, or unauthorized use of university transcripts, documents, records, information, logos, letterheads, publications, trademarks, service marks, or other identifying documents or symbols.
14. Contemptuous, disrespectful, or disorderly behavior.
15. Intentionally giving false or misleading testimony, evidence, or information to any person acting for the university in an official capacity.
16. Failure to follow established university rules, regulations, and policies.
17. Promoting or advocating activities or behaviors that are contrary to the mission of UMHB including, as examples, abortion, drug abuse, violence toward others, or sexual misconduct as defined in this handbook.
18. Unlawfully conducting, organizing, or participating in an activity involving a game of chance, including but not limited to casino, Calcutta, or lottery.
19. Violating the university policies on hazing.
20. Sexual misconduct as defined in this student handbook.
21. Tampering or playing with fire extinguishers, smoke detectors, exit lights, emergency lights; tampering with or pulling under false pretenses a fire alarm; or propping stairwell fire doors open.
22. Violation of an international, federal, state, or local law or ordinance.
23. Recording or causing to be recorded by audio, photograph, video or other technology, the voice or image of a member of the university's governing board, an administrator, faculty member, staff employee, or other student without first obtaining the recorded person's expressed, written permission.
24. Violating the university's social media policy.
25. Obscene, lewd, indecent media exhibition: the use, display, or exhibition of pornographic movies, video tapes, records, cassettes, posters, magazines, CDs, computer graphics, or other media is strictly prohibited.
26. Officially representing the university in any activity, including, but not limited to, media activities, political campaigns, and lobbying activities (which are prohibited by the university), without the express prior approval of university administration.

27. Engaging in behavior that could reasonably be construed as harassment or discrimination, which is prohibited by university policy.
28. Failure to cooperate with university officials in the course of a university investigation.
29. Failure to self-report to the Dean of Students (or to submit the report by another legitimate source such as spouse or legal counsel) the existence of any charge or indictment or information filed in connection with an alleged violation by the student of any Federal, state, or local statute, rule, or regulation punishable as a crime within three (3) calendar days of charges being filed.

## POLICY AGAINST HAZING

The University of Mary Hardin-Baylor prohibits all forms of hazing, including solicitation to engage in hazing and aiding and abetting another person who is engaged in hazing.

The following is a summary of Chapter 37, subchapter F. (§§ 37.151-157) of the Texas Education Code, which prohibits hazing in Texas public or private high schools. Texas Education Code §51.936 applies Chapter 37's prohibition on hazing to institutions of higher education. This summary of Chapter 37 is provided as required by § 51.936(d).

Hazing is a criminal violation under Texas law. A person commits an offense if the person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing, recklessly permits hazing to occur; or has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the Dean of Students, campus police or other appropriate university official.

Both failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in a death is a state jail felony.

If an organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing, the organization may be fined \$5,000 to \$10,000 or, for incidents causing personal injury or property damage, an amount double the loss or expenses incurred because of the hazing incident. It is not a defense to prosecution that the person hazed consented to the hazing activity.

Any person voluntarily reporting a specific hazing incident to the Dean of Students or other appropriate institutional official is immune from civil and criminal liability if (1) the person reports the incident before being contacted by the University concerning the incident or otherwise being included in the University's investigation of the incident; and (2) the Dean of Students determines that the person has cooperated in good faith throughout the University's investigation and disciplinary processes regarding the incident. Immunity does not apply if the person is reporting his or her own act of hazing or if the report is made in bad faith or with malice.

State law does not limit or affect the university's right to enforce its own penalties against hazing.

The Education Code defines hazing as "any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

1. is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. involves 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;
3. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (5), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
4. is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
5. involves coercing the student to consume a drug, or to consume an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.

Coercion is defined by Texas law and includes, among other things, a threat, however communicated, to expose a person to contempt or ridicule. Some examples of activities that may meet the definition of hazing and that the university prohibits include, but may not be limited to:

1. Paddling in any form, pushing, hitting, or physical threats
2. Creation of excessive fatigue, or forced or coerced participation in calisthenics
3. Physical or psychological shocks
4. Misuse of authority by virtue of one's class rank or leadership position
5. Striking another student by hand or with any instrument
6. Any form of physical bondage of a student
7. Taking a student to an outlying area and dropping him/her off
8. Forcing a student into a violation of the law or a university rule such as indecent exposure, trespassing, violation of visitations, etc.
9. Forcing, requiring, or endorsing another student to drink alcohol or any other substance and/or providing such alcohol or other substance.
10. Theft of property under any circumstances
11. Defacing trees, ground, or buildings
12. Unapproved quests, treasure hunts, scavenger hunts, road trips, or other such activities ●  
Causing a person to wear, publicly, apparel that is conspicuous and not normally in good taste
13. Engaging in public stunts, buffoonery, or morally degrading or humiliating games or activities

14. Late work sessions
15. Other activities not consistent with the rules, regulations, and policies of the University of Mary Hardin-Baylor

### STUDENT COMPLAINTS AND CONCERNS

For complaints or concerns regarding academic appeals, crimes, sexual assault or sexual violence, discrimination, harassment, hazing, anxiety/depression, alcohol/drugs, financial aid appeals, or other concerns, this site is a one-stop resource for students which is located online at <https://go.umhb.edu/students/report-it>.

Excerpts from the UMHB Guide to Campus Housing (<https://go.umhb.edu/students/student-handbook>).

### GENERAL RULES APPLICABLE TO BOTH VISITORS AND GUESTS:

Visitors and guests are expected to comply with UMHB's alcohol and drug policy which also prohibits being on the campus while intoxicated or impaired by alcohol or drugs. Residents will be held responsible for anyone bringing alcohol or drugs into their room, apartment, or house, or for a visitor who reasonably appears to be intoxicated or impaired by alcohol or drugs.

Residents are responsible for the behavior and conduct of any visitors or guests. Residents are to inform visitors and guests of policies and student code of conduct as outlined in this Guide and the Student Handbook.

Residents are expected to comply with UMHB's alcohol and drug policies.

### PROHIBITED ITEMS

1. Drugs, synthetic drugs, and drug paraphernalia. Only prescription drugs, prescribed by a physician for use by that individual, should be in the possession of the resident. It is the responsibility of the resident to secure the prescribed medication.
2. HOOKAHS and water pipes are prohibited.
3. Alcoholic beverages and containers
4. Products or items that display liquor or drug logos, and alcohol or drug images. Examples are posters or t-shirt designs.

### GENERAL RULES OF STUDENT CONDUCT

A student's enrollment at the University of Mary Hardin-Baylor is considered by the university to be a declaration of acceptance of the university's standards of conduct. While attending UMHB, a student is expected to obey the laws of the United States, the State of Texas and the City of Belton. Each student is a representative of UMHB and its Christian standards and is therefore expected to demonstrate appropriate conduct both on and off campus. All local, state, and federal laws are supported by the university. Therefore, any such violations are subject to

discipline by civil authorities as well as university officials. Students who engage in these behaviors on or off campus may expect disciplinary action to be imposed by the university. The Dean of Students can suspend a student pending action for serious infractions.

#### UNIVERSITY POLICY # SAF 5.05 SUBJECT: DRUG AND ALCOHOL-FREE WORKPLACE

The University of Mary-Hardin Baylor is dedicated to maintaining a drug and alcohol-free environment. This policy applies to all employees of UMHB regardless of rank or position and includes temporary and part-time employees.

#### ALCOHOL AND OTHER DANGEROUS DRUGS BIENNIAL REPORT.

The university also publishes an Alcohol and Other Dangerous Drugs Biennial Report. The purpose of this report is to comply with the Drug-Free Schools and Campuses Regulation (EDGAR Part 86). Institutions of Higher Education (IHE) receiving federal funds or financial assistance are required to maintain programs which prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. To comply with this regulation, IHE, such as the University of Mary Hardin-Baylor, are required to complete biennial reviews of their Alcohol and Other Drug (AOD) program to determine effectiveness and consistency of enforcement of sanctions, along with the number of alcohol and drug violations. For a printed copy of either report, please contact the UMHB Police Department at (254) 295-5555, or visit in person at 905 Moore Avenue, Belton, Texas, 76513.

Information pertaining to the University's policies regarding alcohol and drugs may be found in the following documents:

1. UMHB Student Handbook (<http://students.umhb.edu/student-handbook>).
2. Guide to Campus Housing (<http://students.umhb.edu/student-handbook>).
3. University Policy SAF 5.50, Drug and Alcohol-Free Workplace (<http://hr.umhb.edu/policeis>).
4. UMHB Annual Campus Fire and Safety Report (Clery Report) (<https://go.umhb.edu/resources/police/policies-reports>).

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## **Legal Sanctions Under Local, State, or Federal Law Related to the Unlawful Possession or Distribution of Illicit Drugs and Alcohol.**

A student or employee who violates the university's alcohol and drug policy is subject both to the University's sanctions and to criminal sanctions provided by federal, state, and local law. The laws include but are not limited to those listed below. If there are any conflicts between this Policy and federal, state, or local law, those laws will take precedence and the Policy will be interpreted in accordance with those laws.

## FEDERAL PENALTIES AND SANCTIONS

21 United States Code 844(a): 1st conviction: Up to one-year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000 but not more than \$250,000, or both.

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

21 United States Code 846: Attempt and conspiracy Same penalties as those prescribed for possession, use, distribution, manufacture.

21 United States Code 853(a)(2) and 881(a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment. (See special sentencing provisions re: crack.)

21 United States Code 859: Distribution to persons under age 21: First offense: Twice the maximum punishment authorized under section 841, not less than one year. Second offense: Three times the maximum punishment authorized, and not less than one year.

21 United States Code 881(a)(4): Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

18 United States Code 922(g): Ineligible to receive or purchase a firearm. Miscellaneous: Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies. Punishments are significantly accelerated for manufacture, and distribution to minors.

## STATE PENALTIES AND SANCTIONS

Texas Penal Code Sec. 49.02: Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine of up to \$500.

Texas Alcoholic Beverage Code Sec. 1.05, 101.31: It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of not less than \$100 and up to \$2,000 and/or up to up to one year in county jail, or both.

Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071: The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and at least \$250 up to \$2,000 for the second offense and/or 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.06: Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine of up to \$4,000 and/or up to one year in jail.

Texas Education Code Sec. 37.122: The possession of an intoxicating beverage on the grounds of any public school (including stadium) is a Class C misdemeanor and carries a penalty of up to \$500.

Texas Penal Code Sec. 49.031: A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single criminal episode is a single offense.

Texas Penal Code Sec. 49.04: Driving under the influence of alcohol is a Class B misdemeanor and punishable by a minimum jail time of 72 hours and/or up to 180 days in jail for the first offense and up to a \$2,000 fine or both. For subsequent offenses, the minimum jail time is six days and/or up to 180 days in jail and up to a \$2,000 fine or both. If found with an open container in the person's immediate possession, the offense is a Class B misdemeanor with minimum jail time of six days. If an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor, punishable by a fine of up to \$4,000 and/or up to one year in jail, or both.

Texas Alcoholic Beverage Code Sec. 106.07: A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor and may be punished by a fine of up to \$500. Punishment is accelerated if there are prior convictions.

Texas Health and Safety Code Sec. 481.102-106, 481.115-118: The illegal distribution, possession, or use of controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120: The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.122: The distribution of marijuana to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

Texas Health and Safety Code Sec. 483.041: A person who possess a Dangerous Drug for the purpose of selling the drug commits a Class A misdemeanor.

Texas Health and Safety Code Sec. 483.042-043: The manufacture of a Dangerous Drug by a person not authorized by law to manufacture the drug, delivery or, offer of delivery of a Dangerous Drug is punishable by a state jail felony.

Texas Health and Safety Code Sec. 483.045: A person who forges or alters a prescription of Dangerous Drugs commits a Class B misdemeanor unless it is shown at trial of the defendant that the defendant has previously been convicted of an offense, in which event the offense is a Class A misdemeanor.

### LOCAL PENALTIES AND SANCTIONS

Sec. 11-19. - Sale or consumption of alcoholic beverages on city property prohibited except where specially permitted: It shall be unlawful for any person to sell or consume alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and any person or entity having a rental agreement with the city for use of the Harris Community Center, may serve alcoholic beverages upon the premises of the center exclusively. The city manager or his designee may authorize a special event permit for the sale and consumption of alcoholic beverages on city property other than a city park.

### UNIVERSITY SANCTIONS FOR STUDENT MISCONDUCT

The university will normally use a progressive system of discipline for students, but reserves the right to consider the totality of a situation (including mitigating or aggravating factors, previous incidents, current academic performance, etc.) and may impose one or more sanctions for any instance of misconduct. The university may use the following sanctions or another sanction which the university deems appropriate under the circumstances:

1. Censure: Oral or written warning to the student that he or she is engaging in conduct which violates university rules, regulations, or policies.
2. Reprimand: Written warning that continuation or repetition of misconduct may result in a more severe sanction.
3. Fines: a monetary fine may be assessed as part of a disciplinary process.
4. Probation: Written notice explaining the serious nature of misconduct and outlining the terms of probation. The terms of probation may prohibit a student from participating in co-curricular activities.
5. Restitution: Requirement to reimburse or otherwise compensate another for damage or loss of property resulting from a student's misconduct. Common assessment or group billing may be made to students in a residence hall for damages occurring in common areas shared by groups of residents.
6. Eviction: Probation or removal from residence halls or other campus facilities as designated in the written notification. The housing deposit will not be refunded to a student who is evicted from the residence halls.
7. Suspension: Termination of student status at the university for a specified period of time. A student who has been suspended will be given a reasonable time in which to leave the campus and remove his or her property.

8. Expulsion: Termination of student status at the university permanently or for an indefinite period of time. A student who has been expelled will be given a reasonable time in which to leave the campus and remove his or her property. Interventions and services such as mentorship, educational resources, and recommendation or requirement to engage in a course of counseling with a counselor recommended by the university or selected by the student with the university's consent may be used in addition to sanctions in order to assist the student.

### UNIVERSITY SANCTIONS FOR EMPLOYEE MISCONDUCT

Violation of University Employee Policy # SAF 5.05 SUBJECT: DRUG AND ALCOHOL-FREE WORKPLACE, may result in any sanction deemed appropriate by the University, including, but not limited to, required participation in an approved drug or alcohol treatment or rehabilitation program, suspension, disciplinary action, demotion or termination of employment. The University may refer any violation of the law to the proper law enforcement authorities. Criminal convictions are not required for sanctions to be imposed on employees of the University.

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## **Drug and alcohol counseling, treatment or rehabilitation or re-entry programs available to students and/or employees.**

Available Drug or Alcohol Counseling and Rehabilitation Services UMHB Counseling, Testing and Health Services offers confidential and anonymous referral information regarding community substance abuse resources. UMHB Counseling, Testing & Health Services' Alcohol and Drug Education Program offers a variety of educational programs related to college students and the use of alcohol or other drugs. Printed information and confidential educational consultations are available to students to assist them with alcohol and/or other drug-related questions or concerns. For information on the health risks of alcohol and drugs, [click here](#). Call (254) 295-4696 or come to the UMHB Counseling, Testing & Health Services (8 a.m. to 5 p.m. weekdays) to obtain information, request assistance, or schedule an appointment. [Click here](#) for more information.

### PHILOSOPHY OF DISCIPLINE

UMHB maintains a learning community of Christian discipline, promoting a way of life that reflects and honors the teachings of Jesus Christ. Therefore, community life at UMHB is a disciplined life. Community standards reflect biblical principles, and traditional Christian teaching and encourage students, staff, and faculty to live their lives accordingly. Our desire is that all people reach their greatest potential in Jesus Christ. The intent of all discipline is to enhance growth, maturity, responsibility for one's own behavior and accountability for one's

own actions. Students are called to a high standard of behavior in order to establish and maintain an environment conducive to learning and personal growth. Within the context of UMHB's mission and Christian standards, students are expected to develop and maintain high personal and behavioral values. These expectations include, but are not limited to, the following:

1. Respect for the personal worth, dignity and rights of others.
2. Respect for the right and necessity of UMHB to develop and maintain a Christian atmosphere conducive to academic study and personal growth.
3. Respect for UMHB's longstanding tradition of honesty, moral and ethical integrity.
4. Respect for the diverse backgrounds, personalities, convictions and spiritual traditions of students, staff, and faculty who comprise the UMHB learning community.
5. Respect for local, state, and federal laws and ordinances.
6. Respect for the discipline, policy, procedures, and authority established by UMHB for the management of university activities, the well-being of the members of the university community, and the integrity of the university.
7. Willingness to offer service, support, guidance, and friendship to others.
8. Regard for the nature of a moral community by embracing the need to lovingly confront and hold accountable members of the UMHB learning community whose conduct falls outside the boundaries of Christian behavior, university policy, and state and federal laws.

### PURPOSE OF DISCIPLINARY RESPONSES

In order to preserve a moral community, it sometimes becomes necessary to hold students accountable for their actions. Procedures have been designed to provide a loving disciplinary response, balanced by justice and mercy. Justice requires that those who violate standards are held accountable, and those who are innocent are protected. Mercy requires an understanding that all people are fallen sinners in need of God's grace and a mandate to encourage hope rather than condemnation. Therefore, discipline must be both corrective and restorative. The goal must be to redeem individuals and to restore relationships so that people can grow and develop in knowledge and grace. The purpose of the disciplinary response is:

1. to redirect behavior
2. to protect the rights of others in the community
3. to encourage and teach responsibility
4. to maintain a Christian environment compatible with the educational mission of the university

In all disciplinary procedures, the University of Mary Hardin-Baylor will seek to be rede

### STUDENT DISCIPLINARY PROCESS

Unless this handbook provides a separate disciplinary process for a specific infraction, the following is the standard process when a student is suspected of violating the university's rules of conduct.

1. The Dean of Students, or a person designated by the Dean of Students, will request a meeting with the student to discuss concerns regarding the student's conduct. Students are required to meet with the Dean of Students upon request and to cooperate in the disciplinary process.
2. In the course of the informal interview, the Dean of Students and the student may agree on whether misconduct occurred and any appropriate discipline. The student may withdraw such an agreement by notice to the Dean of Students within three days, not counting weekends or school holidays. If no agreement is reached, at the conclusion of the informal interview the student may request a written description of any misconduct with which the student will be charged. If requested, the written description will be furnished within a reasonable time.
3. If the student fails to meet with the Dean of Students, or in the absence of an agreement between the Dean of Students and the student suspected of misconduct, the Dean of Students may interview other persons who may have pertinent information about the charges, including any person identified by the student who may provide information on the student's behalf. The Dean may also request information or counsel from other persons as the Dean may consider appropriate and conduct additional interviews with the accused student.
4. The preceding steps may not occur in the order listed. In particular, the Dean of Students may conduct some background investigation before meeting with the student.
5. The Dean of Students will make a decision regarding the charges against the student and any sanctions imposed within a reasonable time, normally within two weeks after the initial interview, although the school schedule may require a longer period of time. The Dean will notify the accused student of the decision either in person or in writing at the Dean's discretion. The Dean shall provide the student a written copy of the Dean's decision if any discipline is imposed or if the student requests.
6. Under normal circumstances, sanctions imposed by the Dean of Students are not effective until the time for appeal has expired or a student has exhausted the appeal process. However, the Dean of Students may direct that any sanction imposed will take effect immediately if the Dean of Students determines that immediate sanctions are reasonably necessary to protect the health or safety of any member of the university community or to comply with applicable law.
7. The student has the right to appeal any part of the decision of the Dean of Students by delivering a letter of appeal to the Vice President for Student Life within seven (7) calendar days after the decision by the Dean of Students. The letter of appeal shall state the portions of the Dean's decision which the student wishes to appeal, the reasons why the student disagrees with the Dean's decision, and the relief requested by the student.
8. The Vice President for Student Life shall review the Dean's decision in light of the letter of appeal. The Vice President may interview anyone who may have pertinent information about the charges and request information or counsel from other persons as the Vice President may consider appropriate. The Vice President for Student Life may also suspend any sanctions which took effect during the appeal process.

9. The Vice President for Student Life will provide a written decision on the appeal to the student and the Dean of Students within a reasonable time, normally within ten (10) days after receiving the appeal, although the school schedule may require a longer period of time. The Vice President for Student Life may affirm the decision of the Dean of Students, make a different determination of the facts, or change any sanctions imposed on the student. The decision of the Vice President for Student Life is final.

Any student who is interviewed as a part of a disciplinary proceeding shall treat any information disclosed to the student in the course of the interview as confidential. A violation of this rule of confidentiality is misconduct, which is subject to discipline.

A student who is unable or unwilling to participate in the disciplinary process, whether the student is a witness or suspected of misconduct, remains subject to discipline and sanctions. Students are always entitled to consult any advisor, including legal counsel, but students are not entitled to have an advisor present in any university meeting or interview except for proceedings related to charges of sexual harassment, gender harassment, sexual assault, dating violence, domestic violence or stalking.

No permanent record of disciplinary action shall be made unless there is a demonstrable need for it related to the basic purposes of the university. In most cases, student disciplinary records may be kept for a period of five years upon separation from the university, at which time minimal statistics may be retained and the full document may be destroyed. Records for student disciplinary actions which resulted in the student being ineligible to reenroll and a corresponding transcript notation made will be retained permanently.

Violations Violation of this policy may result in any sanction deemed appropriate by the University, including, but not limited to, required participation in an approved drug or alcohol treatment or rehabilitation program, suspension, disciplinary action, demotion or termination of employment. The University may refer any violation of the law to the proper law enforcement authorities. Criminal convictions are not required for sanctions to be imposed on employees of the University. <https://go.umhb.edu/resources/police/drugs-alcohol#1845>

## REINSTATEMENT PROCESS

The restrictions, interventions, or sanctions imposed may be removed only with express permission from the Dean of Students. Upon the student's request for reinstatement, the Dean of Students will clearly communicate to the student a specific reinstatement process, which may include:

1. Evaluation by a qualified health care professional. If the situation constitutes a medical or psychological emergency, the student may use a local emergency room physician. If the student is currently under the care of a qualified health care professional, that person may evaluate the student. If the student is not currently in treatment, he/she will need to contact the qualified health care provider of his/her choice. If the student needs assistance with this process, he/she may contact the Student Development Office.

2. Communication of evaluation results by the qualified health care professional to the Dean of Students. This will require written authorization by the student to the healthcare professional. Evaluation results must substantiate (1) the readiness of the student to return to residential facilities, classes, and/or activities, and (2) any recommendations for continuing treatment. For preliminary purposes, the health care professional may communicate this information verbally; however, it is mandatory that written evaluation results be provided promptly.
3. Reinstatement interview with the Dean of Students. The student must schedule an interview with the Dean of Students during office hours (8 a.m. – 5 p.m., Monday – Friday). If the dean is not available, the student may contact the Vice President for Student Life or the Associate Dean of Students and Director of Residence Life.

If the Dean of Students determines that the student is able to resume regular or limited activities, the student will be provided a reinstatement letter.

### EMPLOYEE ASSISTANCE PROGRAM

Information about drug and alcohol counseling and rehabilitation is available through UMHB's confidential Employee Assistance Program (EAP).

### HEALTH RISKS ASSOCIATED WITH DRUG AND ALCOHOL USE

#### DRUGS

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

Depressants such as barbiturates and benzodiazepines (Xanax, etc.) can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death.

Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as amphetamines, methylphenidate, and cocaine (or its derivative, crack cocaine) can cause increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, anxiety, an increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include apathy, long periods of sleep, irritability, depression, and/or disorientation.

Hallucinogens such as LSD, mushrooms or psilocybin, and club or “designer drugs” cause illusions and hallucinations and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana, THC infused edibles, and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, difficulty with attention, cannabinoid hyperemesis syndrome, and decreased appetite.

Anabolic Steroids (including testosterone and others) may result in psychological dependence. Less is known as to their potential for physical dependence and increased tolerance levels. Possible effects may include virilization, edema, testicular atrophy, gynecomastia, acne, and aggressive behavior. Effects of overdose are unknown. Withdrawal may possibly include depression.

Inhalants (including amyl and butyl nitrite, nitrous oxide, and others) vary in their level of psychological dependence, with less known about their potential for physical dependence and tolerance. Possible effects may include flushing, hypotension, and headache, impaired memory, slurred speech, drunken behavior, slow onset, vitamin deficiency, and organ damage. Overdose may result in methemoglobinemia, vomiting, respiratory depression, loss of consciousness, and possible death. Withdrawal may result in agitation, trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, and convulsions

## ALCOHOL

Alcohol consumption may cause a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

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

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

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**The University will impose sanctions on students and employees, a description of those sanctions, up to and including expulsion/termination of employment, for violations of these standards of conduct.**

GENERAL RULES OF STUDENT CONDUCT

A student's enrollment at the University of Mary Hardin-Baylor is considered by the university to be a declaration of acceptance of the university's standards of conduct. While attending UMHB, a student is expected to obey the laws of the United States, the State of Texas and the City of Belton. Each student is a representative of UMHB and its Christian standards and is therefore expected to demonstrate appropriate conduct both on and off campus.

All local, state, and federal laws are supported by the university. Therefore, any such violations are subject to discipline by civil authorities as well as university officials. Students who engage in these behaviors on or off campus may expect disciplinary action to be imposed by the university. The Dean of Students can suspend a student pending action for serious infractions.

GENERAL RULES APPLICABLE TO BOTH VISITORS AND GUESTS:

Visitors and guests are expected to comply with UMHB's alcohol and drug policy which also prohibits being on the campus while intoxicated or impaired by alcohol or drugs. Residents will be held responsible for anyone bringing alcohol or drugs into their room, apartment, or house, or for a visitor who reasonably appears to be intoxicated or impaired by alcohol or drugs.

VIOLATIONS OF EMPLOYEE POLICY SAF 5.05 SUBJECT: DRUG AND ALCOHOL-FREE WORKPLACE

Violation of this policy may result in any sanction deemed appropriate by the University, including, but not limited to, required participation in an approved drug or alcohol treatment or rehabilitation program, suspension, disciplinary action, demotion or termination of employment. The University may refer any violation of the law to the proper law enforcement authorities. Criminal convictions are not required for sanctions to be imposed on employees of the University.

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