Alcohol & Drug Policy Overview

To comply with the Drug Free Schools and Communities Act of 1989 and Amendments, students and employees of the University of the Incarnate Word are informed that strictly enforced policies are in place which prohibit the unlawful possession, use or distribution of any illicit drugs, including alcohol, on University property or as part of any University-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state, and federal law for any offenses involving illegal drugs on University property or at University activities.

Sanctions imposed by the University may include disciplinary suspension and/or completion of an appropriate educational/rehabilitation program. The University affirms that illegal drug use is wrong and harmful. Use of illegal drugs and alcohol abuse by students and employees results in cognitive deficits, loss of productivity, and other health risks. These risks include an increased incidence of accidents which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students and employees through Counseling and Health Services. Services will include assessment, individual counseling, referral, and case management. Educational programs and materials are also available.

I. Alcohol Policy

A. Rationale

This document sets forth the University of the Incarnate Word's policy concerning the sale, service or distribution, and consumption of alcoholic beverages on campus in compliance with federal, state, and local laws.

B. Policy Guidelines

1. Students who are 21 years of age or older are permitted to have alcohol in their residence hall rooms only if residing in hall that allows alcohol and student has roommates who are all 21 years of age or older. STUDENTS WHO ARE OF LEGAL DRINKING AGE MAY NOT SHARE OR PROVIDE ALCOHOL TO ANY STUDENTS, EMPLOYEES OR GUESTS WHO ARE UNDER 21 YEARS OF AGE. Those under legal drinking age (21) are not permitted to possess and/or consume alcohol. Those under 21 are not permitted to have alcohol in their residence hall rooms.
2. The University will not sell, serve, or permit the sale of alcohol on campus except in specifically designated buildings or facilities named by the President of the University. The Dean of Campus Life will maintain a current list of those assigned buildings or facilities which may be used on a permanent or temporary basis (as designated by the President of the University).

3. Alcoholic beverages may be sold, served, or consumed in special use facilities only if (1) it is in compliance with law, and (2) it is done at social gatherings approved by the Dean of Campus Life or the President of the University.

4. Alcoholic beverages MAY NOT be possessed or consumed in classrooms, in hallways, residence hall lounges, on athletic grounds, in the pool area, in campus public areas, including parking lots/garages, streets, and sidewalks, or any other area as designated by the President of the University. (Any area on campus can be designated for "temporary special use" at the discretion of the President or the Dean of Campus Life.)

5. Any person or organization sponsoring an on-campus event must obtain the prior written approval from the Dean of Campus Life for the sale, service, and consumption of alcoholic beverages for that specific event. The Dean of Campus Life reserves the right to disapprove the sale or consumption of alcoholic beverages at any event with sound reason.

6. The Dean of Campus Life may approve alcoholic beverages at social gatherings if all the following conditions are met:
   a. The event is held in a special-use location, facility or building;
   b. The event is requested by a faculty member, staff, or student organization, University department or division;
   c. The event will have a majority of individuals over 21 years of age in attendance;
   d. Food is served and alternate nonalcoholic beverages are provided;
   e. The sale/serving of alcoholic beverages be discontinued at least one hour before the event ends; and
   f. Proper security for the event is provided at ticket booths and distribution areas where alcohol is sold/served and officers patrol the event location.
   g. Alcohol is dispensed by a licensed Texas Alcohol Beverage Commission (TABC) server or is BYOB with permission.

7. The Dean of Campus Life and the Director of Campus Police, the Director of Special Events, and Director of University Events & Student Programs (if student group or organization) will determine the adequate number of officers for the event.

8. At the beginning of each academic year, the Dean of Campus Life or Designee will publicize this policy by:
a. An article in the Logos, addressed to all in the University community;

b. A memorandum to the presidents or chief officers of all student organizations and their faculty or staff sponsors;

c. A presentation to all transfer and beginning students during the orientation process; and

d. A memorandum to the President, all vice-presidents, deans, and faculty.

C. Alcohol Procedures for On-Campus Events

1. A request for approval of service and consumption of alcoholic beverages at an on-campus event will be directed to the Dean of Campus Life at least thirty (30) working days prior to the event. Sponsors initiating such a request should obtain an "alcoholic beverage activity permit" from the Dean of Campus Life or the Director of Special Events.

2. At least fifteen (15) working days prior to the date of the proposed event, the sponsor should take the completed form to the Director of Special Events, who will inform the sponsor of any specific policy or procedural limitations regarding the use of the facility. If the Director of Special Events approves the proposed event, he or she will sign the "alcoholic beverage activity" permit and return it to the sponsor.

3. If the University's food service contractor will be used to serve the alcoholic beverages, the sponsor must contact the contractor at least fifteen (15) working days prior to the proposed event. The food service contractor should inform the sponsor of all requirements for service on the proposed date, and will coordinate TABC permits if necessary.

4. The sponsor should then contact the Director of Campus Police at least fifteen (15) working days prior to the scheduled event in order to determine the need for officers at the scheduled event. The Director will assign the number of officers and assess the costs to be incurred by the sponsor. If he/she approves the proposed event, the Director will then sign the alcoholic beverage permit and return it to the sponsor.

5. The sponsor will then personally deliver the form to the Dean of Campus Life. If the Dean approves the event, he or she will sign the form, notify the sponsor, and send copies to offices involved in coordination of the event.

6. After the Dean of Campus Life approves the event, the sponsor will notify the Director of Special Events who will then place the event on the University Calendar.

7. If a planned event is canceled, the sponsor is responsible for notifying the Dean of Campus Life, the Directors of Campus Police, Special Events and Dining Services as soon as possible. The University will ensure that all permits required by the Texas Alcohol Beverage Commission (TABC) are approved prior to the activity.
D. Alcohol Policy Abuse Sanctions

1) Alcohol Misuse On-Campus

Students who violate the UIW alcohol policy, as noted in the guidelines, are subjected to the following sanctions, when rule infractions involve assault, sexual assault, rape, dating violence, stalking, illegal drugs or weapons, the greater penalty may be applicable:

Basic Guidelines
Students who are 21 years of age or older are permitted to possess and consume alcohol in designated university housing rooms. Students who are of legal drinking age may not share or provide alcohol to any students, employees or guests who are under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol anywhere on university property or at university-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

2) Violations of the University Alcohol Policy
As stated on page 10 of this document, “failure to comply with the directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so” is considered unacceptable behavior for a UIW student. An example of such inappropriate behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off campus, which is considered a violation of the UIW Student Code of Conduct, and the law, and may result in disciplinary action.

A partial list of UIW alcohol policy violations and their subsequent sanctions is listed below.

A. Minor in Possession/Consumption of Alcohol or Residence Life Alcohol Policy Violations:

1. First Offense—Possible sanctions may include, but are not limited to:
   a. Participation in an alcohol education activity and/or a Minor in Possession course, at the student’s expense;
   b. Authorship of a research/reflection essay;
   c. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
   d. Other sanctions as determined by the Dean of Campus Life (or designee).

2. Second Offense—Possible sanctions may include, but are not limited to:
   a. Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
   b. Observation of one or more sessions of Bexar County Misdemeanor or Felony Drug Court as determined by the Dean of Campus Life (or designee);
   c. Authorship of a research/reflection essay;
   d. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
e. Other sanctions as determined by the Dean of Campus Life (or designee).

3. Third and Subsequent Offenses—Possible sanctions may include, but are not limited to:
   a. Suspension or expulsion from university housing and/or the university;
   b. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
   c. Other sanctions as determined by the Dean of Campus Life (or designee).

B. Purchasing, Selling or Providing Alcohol to Minors:

1. First Offense—Possible sanctions may include, but are not limited to:
   a. Participation in an alcohol education activity at the student’s expense and as determined by the Dean of Campus Life (designee);
   b. Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
   c. Observation of one or more sessions of Bexar County Misdemeanor or Felony Drug Court as determined by the Dean of Campus Life (or designee);
   d. Authorship of a research/reflection essay;
   e. Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
   f. Eligibility restrictions;
   g. Suspension from university housing and/or the university;
   h. Community service hours to be performed at a specific location as determined by the Dean of Campus Life (or designee); and/or
   i. Other sanctions as determined by the Dean of Campus Life (or designee).

2. Second and Subsequent Offenses—Possible sanctions may include, but are not limited to:
   a. Expulsion from the university;
   b. Notification of law enforcement authorities;
   c. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
   d. Other sanctions as determined by the Dean of Campus Life (or designee).

C. Driving Under the Influence/Driving While Intoxicated:
   UIW is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the university abides by the legal definition of intoxicated as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” (Texas Penal Code, Title 10, Chapter 49, Section 49.01) or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense. Possible sanctions include:
1. First Offense—Possible sanctions may include, but are not limited to:
   a. Loss of driving and/or parking privileges on campus for a specified period of time;
   b. Participation in an alcohol education activity and/or a Minor in Possession course, at the student’s expense and as determined by the Dean of Campus Life (designee);
   c. Observation of one or more sessions of Bexar County Misdemeanor or Felony Drug Court as determined by the Dean of Campus Life (or designee);
   d. Community service hours to be performed at a specific location as determined by the Dean of Campus Life (or designee);
   e. Authorship of a research/reflection essay;
   f. Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
   g. Eligibility restrictions; and/or
   h. Other sanctions as determined by the Dean of Campus Life (or designee).

2. Second and Subsequent Offenses—Possible sanctions may include, but are not limited to:
   a. Suspension or expulsion from the university;
   b. Notification of law enforcement authorities;
   c. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
   d. Other sanctions as determined by the Dean of Campus Life (or designee).

E. Illegal Drug Policy

The following sections describe UIW’s policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off university property or at university-sponsored events in accordance with federal, state and local laws. This policy provides flexibility for the university in addressing drug-related offenses which occur on or off campus. Moreover, it permits the university to address its fundamental Mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the university must address the education and well-being of all its students and employees. In addition to university imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on university property or at university activities.

1) Violations of the University Illegal Drug Policy
   A partial list of UIW drug policy violations and their subsequent sanctions is listed below.

   A. Manufacture, Sale or Distribution of Illegal Drugs:
      1. First Offense—Possible sanctions may include, but are not limited to:
         a. Expulsion from the university;
         b. Notification of parents/guardians of students under 21 years of age;
         c. Notification of law enforcement authorities; and/or
d. Other sanctions as determined by the Dean of Campus Life (or designee).

B. For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs:

Drug paraphernalia (e.g. bongs), illegal drugs, and synthetic substances (e.g. K2, Spice) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

1. First Offense—Possible sanctions may include, but are not limited to:
   a. Participation in a drug education activity, at the student’s expense and as determined by the Dean of Campus Life (or designee);
   b. Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
   c. Observation of one or more sessions Bexar County Misdemeanor or Felony Drug Court as determined by the Dean of Campus Life (or designee);
   d. Authorship of a research/reflection essay;
   e. Notification of parents/guardians of students under 21 years of age; Immediate removal from university housing;
   f. Suspension from the university for a period of not less than the remainder of the semester in which the infraction occurred (Typically this constitutes a long semester, fall or spring.);
   g. Notification of law enforcement authorities; and/or
   h. Other sanctions as determined by the Dean of Campus Life (or designee).

2. Second Offense—Possible sanctions may include, but are not limited to:
   - Notification of parents/guardians of students under 21 years of age;
   - Notification of law enforcement authorities;
   - Expulsion from the university; and/or
   - Other sanctions as determined by the Dean of Campus Life (or designee).
II. Alcohol & Texas State Law

According to information provided by the Texas Alcohol and Beverages Commission, Texas State Law is stated in Table 1.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Minimum Penalty</th>
<th>Maximum Penalty</th>
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<tbody>
<tr>
<td>Possession, purchase &amp; consumption of alcohol by minor</td>
<td>Suspension of driver's license or denial of license for 30 days, 8-12 hours community service, and alcohol awareness class</td>
<td>Fine $250-$2000, jail term no more than 180 days, 20-40 hours community service, Driver's license suspension for 180 days</td>
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<td>Misrepresentation of age by minor</td>
<td>Same as above</td>
<td>Same as above</td>
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<tr>
<td>Public Intoxication</td>
<td>Same as above</td>
<td>Same as above</td>
</tr>
<tr>
<td>Sale or providing alcohol to minor</td>
<td>Fine up to $2000 and/or jail term up to 180 days (providing alcohol)</td>
<td>Fine up to $4000 and/or jail term up to one year</td>
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<tr>
<td>DWI by minor at ANY level of alcohol</td>
<td>Fine up to $500, alcohol awareness class, 20-40 hours community service, 60 days driver's license suspension</td>
<td>2nd offense - same as min. but 40-60 hours community service, 120 days license suspension</td>
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<tr>
<td>DWI alcohol level at 0.08 and above</td>
<td>Up to $2000 fine, jail for no less than 3 days up to 180 days</td>
<td>Up to $10,000 fine and/or jail no less than 2 years and up to 10 years</td>
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<tr>
<td>With open container in vehicle</td>
<td>Jail term for 6 days and/or fine up to $2000</td>
<td>Same as above</td>
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