

ST. MARY'S UNIVERSITY



Drug-Free Schools and Communities Act

2020 Biennial Review

In compliance with the Drug-Free Schools and Communities Act (DFSCA) and The Drug-Free Schools and Campuses regulations, St. Mary's University has produced this Biennial Review Report on the effectiveness of its alcohol and other drugs (AOD) programs and the consistency of policy enforcement. This document has been reviewed and approved.

Handwritten signature of Tim Bessler in blue ink, written over a horizontal line.

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12-15-2020

Date

Handwritten signature of Thomas M. Mengler in black ink, written over a horizontal line.

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12-15-2020

Date

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Introduction

St. Mary's University is a Catholic and Marianist liberal arts institution located west of downtown San Antonio, Texas, the second most populous city in Texas and the seventh most populous city in the United States. Founded by the Society of Mary (Marianists) in 1852, St. Mary's is the oldest Catholic university in Texas and the American Southwest. With a diverse student population of nearly 3,600, St. Mary's University is home to the School of Humanities and Social Sciences; the School of Science, Engineering and Technology; the Greehey School of Business; and the School of Law.

St. Mary's offers more than 75 academic programs, in addition to pre-professional programs in medicine, nursing, dentistry, pharmacy, allied health, and law. St. Mary's graduate studies offer 19 master's programs and 2 Ph.D. programs. St. Mary's has some 200 full-time faculty members, 94 percent of whom hold doctorate or terminal degrees.

The Drug-Free Schools and Communities Act

The 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 - Drug and Alcohol Abuse Prevention Regulations) - require each institution of higher education, including St. Mary's University (StMU), to certify it has adopted and implemented a program to prevent the abuse of alcohol and the use or distribution of illicit drugs, both on its premises or as a part of any affiliated activities. Each institution of higher education must annually distribute the following information to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, and/or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation and/or reentry programs that are available to employees or students;
- A clear statement that the institution will impose sanctions on students and employees 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; and
- Information on available treatment and support programs and services on and off campus.

The law further requires that each institution of higher education conducts a biennial review of its program with the following objectives:

- Determine the effectiveness of the program and if needed, implement changes to the alcohol and other drug programs; and
- Evaluate the consistency of sanctions imposed for violations of disciplinary standards and codes of student conduct related to the illegal use of alcohol and other drugs
- Produce a report of the findings of this biennial review

The purpose of the StMU biennial review is to determine the effectiveness of the University's Drug and Alcohol Prevention Program (DAAPP) and decide whether program changes should be made to our community approach to this issue. StMU acknowledges its obligation to distribute important information about our campus Alcohol and Other Drugs (AOD) programming information to our community, and to conduct a biennial compliance review of this program as directed by the Drug-Free Schools and Communities Act.

Statement of University DAAPP Goals

The program goals of the St. Mary's University Drug and Alcohol Prevention Program (DAAPP) are:

1. Ensure that the entire St. Mary's University community is aware of each of the component parts of the campus DAAPP, to include knowledge of campus policies, accountability standards, and available counseling, treatment, referral and other support resources
2. Provide ongoing education that encourages all community members to make responsible choices about alcohol and drug usage, which ensure the academic success of our students and promote healthy lifestyles for our community
3. Create, update, and consistently enforce university policies that support campus efforts to create an educational and working environment free from the negative effects of substance use and abuse
4. Conduct a regular assessment of the university's DAAPP to identify and address areas for improvement in the management and delivery of the program

DAAPP Goal 1:

Ensure that the entire St. Mary's University community is aware of each of the component parts of the campus DAAPP, to include knowledge of campus policies, accountability standards, and available counseling, treatment, referral and other support resources.

Procedures for Distributing DAAPP Information¹

After the 12th day of classes for each fall and spring term, all currently-enrolled students receive an email from the Dean of Students calling attention to the StMU policies related to drugs and alcohol, as well as the Equal Opportunity, Non-discrimination, Sexual and Other Forms of Harassment Policy.

¹ A full copy of the DAAAP annual notice email to students is included with this review as Appendix A. The full text of the university's policy statement regarding the prevention of alcohol abuse and controlled substance use at St. Mary's University that was attached to the annual DAAPP email is included with this review as Appendix B

This notice includes the following information:

- A link to the StMU Code of Student Conduct
- A description of the applicable legal sanctions/disciplinary actions under federal, state, and local laws, and campus policy
- A description of the health risks associated with alcohol and drug use
- A list of available treatment and support programs and services on and off campus

All new freshmen and transfer students, before the beginning of their first semester on campus, are required to participate in *Think About It*, an online substance and sexual abuse training program. The program prepares students to confront and prevent serious campus problems, including those influenced by drug and alcohol use. The StMU Code of Student Conduct and other AOD policies are presented throughout this interactive training program. To ensure completion of the program, new students must present a *Think About It* certificate of completion to their ND 0101 Personal and Academic Development Freshman Seminar instructors to receive academic credit for the class (which students typically take during the first semester at St. Mary's University).

For the 2019-2020 academic year, St. Mary's University replaced *Think About It* with *U Got This*, an online sexual assault and dating violence prevention and bystander training program. *U Got This* uses humor, animation, music and interactive conversation software to help new college students examine attitudes and language that might contribute to a cultural tolerance of sexual violence, domestic violence, and stalking. Bystander exercises involving the problematic use of drugs and alcohol are also incorporated into this program, along with information about the Code of Student Conduct and other campus AOD policies. New students were required to provide a certificate of completion to their ND 0101 instructor to receive credit for completing the program. Registration holds were placed on students who failed to complete *U Got This* by the end of their ND 0101 class to encourage them to complete the program before the end of their first semester on campus.

Information on the university's AOD policies is also provided to all new freshmen and undergraduate transfer students enrolled in the ND 0101 Personal and Academic Development Freshman Seminar within their first month of class. Similar presentations on the StMU Code of Student Conduct, which also cover AOD policies, are presented by or on behalf of the Office of Student Integrity and Welfare as part of international, graduate, and law student orientation programs.

The Office of Human Resources coordinates the distribution of DAAPP information to University staff and faculty.² The Employee Annual Policy Notification process requires all employees to acknowledge receipt of the Drug-Free Workplace Policy. The mandatory notification also ensures all staff members are provided information about the Equal Opportunity, Nondiscrimination, Sexual, and Other Forms of Harassment Policy.

² A complete description of the University's DAAPP distribution procedures for all University community members is included with this review as Appendix C

DAAPP Goal 2

Provide ongoing education that encourages all community members to make responsible choices about alcohol and drug usage, which ensure the academic success of our students and promote healthy lifestyles for our community.

Campus Partners in DAAPP Education Efforts

Several campus partners play key roles in providing alcohol and drug awareness education and support efforts to the entire campus community.

The Office of Residence Life

The Office of Residence Life provides information on all StMU policies to resident students during the mandatory welcome meetings in each hall, held at the beginning of each academic year. Additionally, residents are provided a web link to a document titled, *Your Guide to Community Living On Campus*. This document contains important information about life on campus, health and safety, as well as StMU Residence Life policies related to the possession, use, or distribution of alcohol and other drugs in the residence halls.

Residence Life also sponsors or supports events such as the Rattlers Have Heart Drunkario Karts event in February 2020 to help resident students learn the importance of understanding the dangers driving under the influence of alcohol.

St. Mary's University Police Department

The StMU Police Department is responsible for law enforcement, security, and emergency response on campus, to include property owned, leased or otherwise under the control of StMU. The Department works closely with staff in Residence Life and other university departments to respond to reports of illegal alcohol and other drugs activity on campus.

The Department also plays a significant role in educating and training our community members. During the last two years, StMU Police and Residence Life worked together in training Resident Assistants to recognize marijuana scent (via a controlled burn) and educated them about effects and dangers of the drug, as well as identifying signs of marijuana impairment and displays of confiscated paraphernalia. The University Police Department also collaborates on a regular basis with Residence Life and the Student Life Office of Fraternity and Sorority Life to provide AOD programming to resident students.³

University programming opportunities during the spring 2020 semester were limited by St. Mary's University evolving response to the COVID 19 pandemic. In early March 2020, the University moved the delivery of academic, social, and educational programming to remote, on-line platforms for the remainder of the spring semester.

³ A listing of the University Police Department's AOD community education and outreach activities is included with this review as Appendix J

The University Police Department website provides descriptive information about the health risks and legal sanctions associated with the use of illicit drugs and alcohol to the entire StMU community via on the Drug and Alcohol Awareness web page linked to the StMU Police Department website at the following address: <https://www.stmarytx.edu/policies/student-development/alcohol-and-other-drugs-policy/>

Student Life

The Department of Student Life is the umbrella office for student involvement at StMU and includes the functional areas of New Student Orientation, Registered Student Organizations (RSOs), Fraternity and Sorority Life, University Programming Board, Student Government Association, Commuter Initiatives, and ND0101, a first-year student seminar course. Multiple programs and activities organized or sponsored by Student Life provided important AOD policy information and education to our students.

Student Life sponsored a series of alcohol alternative programming each academic semester in partnership with the Student Government Association and University Programming Board. As an example, Student Government Association partnered with Delta Zeta Sorority's Alcohol Awareness Week in October 2019 to help provide information and resources on safe alcohol consumption.

Student Life, the office coordinating programming for the Pub at St. Mary's, organized approximately 100 events and activities each year, focused on offering alternatives for students who do not drink and encouraging responsible drinking for those 21 years-of-age and older.

Annual training is given to both the President and Risk Management chairs of Registered Student Organizations on campus as required by S.B. 1138 & 1525. ⁴ This training covered the possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use. Each organization officer was then instructed to deliver the same presentation at a mandatory follow-up chapter meeting.

Student Life has partnered with the Office of Student Advocacy & Anti-Violence Education (OSAVE) to provide various training to RSOs, Fraternities, and Sororities. These training sessions have included *Bystander Intervention*, *Consent 101*, and *Alcohol & Sexual Assault Awareness*. These sessions are provided in both large scale training with multiple organizations attending or one-on-one basis with an individual organization.

During the extended new student orientation session, known as Zaragoza Days, session leaders and staff members from the Student Counseling Center presented a *Real-Life Situations* program. The program is a series of vignettes of college-life social situations and challenges likely to be encountered by college students that include alcohol usage followed by peer discussion groups.⁵

Student Life also provided important information about drug and alcohol abuse to the StMU Fraternities and Sororities through the following ways:

⁴ A copy of the Risk Management Training presentation is included with this review as Appendix O

⁵ Real Life Situations for incoming students was replaced in 2020 with the *U Got This!* Online program in partnership with the Office of Student Advocacy & Anti-Violence Education

- New Member 101 presentation to all new Fraternity and Sorority Life chapter members
- New Member 101 online essay assignment covering topics of Hazing, Title IX, and Safe Alcohol Practices as an asynchronous option
- Fraternity and Sorority Recruitment Policy requiring alcohol-free recruitment events
- Implementing recruitment event check-ins by council leadership to ensure alcohol-free recruitment events
- Hazing policy involving consumption of alcohol
- Advertising guidelines regarding the use of alcohol brands or images on advertisements for student events

Fraternity and Sorority Life Alcohol and Drug Programing

Each fall and spring semester the Fraternity and Sorority Life office held required informational sessions for all new members of the Fraternity and Sorority Life community. In these sessions, new members learned about hazing, Title IX, and alcohol use. Specifically, regarding alcohol education, the following subjects were covered:

- “Low-Risk Drinking” – Educational presentation on standard drink size, created “mocktails”, definitions of “binge-drinking”, and facilitated open conversations on realistic low-risk drinking for college students
- “What do I Value?” – Students identified their current top three values in life, then reflected on how drinking could jeopardize these goals and how they would feel if they lost any of these values because of drinking
- “What does it cost?” – A presentation of both St. Mary’s University policies and Texas state laws involving alcohol violations
- “Tolerance & Impairment” – Defining the concept of Blood Alcohol Content and discussing what happens to the body as a person’s BAC increases
- “Alcohol Poisoning” – Discussion on how to recognize the signs of alcohol poisoning
- “Helping your friends” – A final discussion on ways to protect not only fellow Fraternity and Sorority brothers and sisters, but the StMU community as a whole

Human Resources

The Office of Human Resource is responsible for setting, distributing, and enforcing StMU AOD policies to all St. Mary’s University employees. During the 2018-2020 biennium, the Office provided education, outreach opportunities, such as a health and wellness fair along with other co-sponsored Title IX events.

Rattler Athletics ⁶

Prior to participating in any required athletic activities, all student-athletes meet with the Associate Athletics Director for Compliance and Internal Operations and the Head Athletic Trainer/Drug Testing Coordinator to discuss the NCAA Drug Testing Program and the St. Mary’s Athletics Drug and Alcohol Education and Testing Policies. In this meeting, student-athletes are required to complete required NCAA Compliance Forms that include the NCAA Drug Test Consent Form and the NCAA Student-Athlete

⁶ The St. Mary’s University Athlete Drug Testing Policy is included with this review as Appendix P

Statement Form. These forms serve a dual purpose; to affirm our student-athletes' understanding of the NCAA's banned substance list, in addition to notifying student-athletes that the NCAA has the authority to test for banned substance use on a year-round basis. Student-athletes refusing to sign the aforementioned Student-Athlete/Drug Test Consent Forms are prohibited from participating in any required athletically related activities.

Student-athletes are also required to review the St. Mary's University Student-Athlete Handbook that thoroughly explains the athletics institutional drug and alcohol testing policies. They are required to familiarize themselves with the department's policies along with other departmental policies and procedures and sign a confirmation page that they reviewed the handbook and return to the Associate AD for Compliance and Internal Operations.

Any student-athlete who tests positive for a banned substance during a NCAA or institutional administered test or who refuses to submit to a required drug test, and/or who violates the terms of the Safe Harbor Program described in the Drug and Alcohol Education and Testing Policies will be subject to sanctions up to and including immediate removal from his/her team and non-renewal of any athletically-related financial aid.

Student Health Center

The Student Health Center is an on-campus, outpatient, primary health care clinic that provides confidential medical assistance and counseling referrals for students who evidence or self-report drug or alcohol dependency or addiction issues. The SHC aims to sponsor programs and activities promoting campus discussions about a variety of community health concerns.

The Health Center offers smoking cessation appointments for students to become familiar with the various non-pharmaceutical and pharmaceutical options for quitting. Appropriate referrals may be provided as well as a review of both online and local resources.

CampusWell, a free online health and wellness publication sponsored by the Student Health Center, is available to all students at St. Mary's University. The SHC also provides direct student outreach through a variety of social media outlets. These posts include information on making informed choices on the issues of alcohol and drug consumption that are reviewed and approved by the Student Health Center Medical Director.

StMU School of Law

The School of Law provided several opportunities during the 2018 - 2020 biennium for law students to learn more about the personal risks of drug and alcohol abuse. Presentations by representatives from the Texas Lawyers Assistance Program (TLAP) regarding drug and alcohol abuse during each fall and spring semester invited law students to learn more about alcohol and prescription medication abuse, the two main risk factors associated with law students' mental health. A tabling event during ABA Mental Health Awareness Day provided law students with information on several topics from substance abuse to mental illness.

In order to reach out to first year students in a more proactive way, the Law School also held Mental Health Awareness Weeks in early fall 2018 and in spring 2019.⁷ Each event featured similar activities to bring awareness to the connections between maintaining a healthy balance (mind, body as soul) and being successful in law school.

Other education partnerships with the San Antonio Food Bank allowed the Law School to provide a cooking demonstration on healthy eating on a budget for the law student community. Each year, members of the Physicians Fellowship program at the San Antonio Military Medical Center (SAAMC) and the medical director of the Student Health Center also presented to law students about the importance of sleep as a key component of a healthy lifestyle and learning. An additional partnership with the Texas Lawyers Assistance Program (TLAP) enabled the Law School to continue to provide weekly wellness programming for students once local stay-at-home orders were issued to San Antonio residents in mid-March, 2020.

Office of Student Advocacy and Anti-Violence Education ⁸

The Office of Student Advocacy and Anti-Violence Education (OSAVE) has campus leadership responsibility for ensuring that freshman and transfer students complete the *U Got This!* Program, which presents important educational information to new students on how to be an effective bystander when issues of drugs and alcohol use arise during a student's time in college.

OSAVE has also established a campus-wide comprehensive curriculum on the prevention of gender-based violence, which includes dating/domestic violence, sexual violence, and stalking. Scholars and service providers recognize that each of these types of gender-based violence have intersections with other problematic behaviors, such as alcohol and drug use. OSAVE includes information about the impact of alcohol and drugs on relationships and on people's ability to consent to sexual activity in many of their education and prevention events and activities.

OSAVE also educates undergraduate students about the realities of alcohol and drug using the *Intervene* bystander intervention curriculum developed by Cornell University. This program utilizes a series of short videos to illustrate common college scenarios that students may encounter, followed by an in-depth facilitated discussion in which the featured characters must respond as active bystanders to issues such as discrimination, sexual assault, and alcohol emergencies that can arise when alcohol or drugs are present. During these presentations, OSAVE's prevention educators emphasize the importance of the role student bystanders can play in recognizing and responding to concerns about the drinking behavior of their peers. For the 2018-2019 and 2019-2020 academic years, OSAVE provided the *Intervene* bystander training to 533 students, staff, and faculty, including a majority of StMU student athletes.

In addition to the Bystander Intervention program, the OSAVE presentation *Sexual Assault and Consent 101* also contributes to alcohol and drug awareness/prevention by highlighting legal and institutional

⁷ A schedule of events for the Mental Health Awareness Week activities (the 2020 event was postponed due to COVID 19 campus restrictions) is included with this review as Appendix I

⁸ A schedule of OSAVE AOD-related events and activities is included with this review as Appendix K

parameters of consent; this program includes a significant discussion about the impact of alcohol and drugs on a person's ability to consent to sexual activity.

Student Counseling Center

The Student Counseling Center (SCC) provides individual counseling, couple/partner counseling, 24-hour crisis intervention, and psychiatric services for all students enrolled at the University. The SCC provides outreach programming and consultation services to students, faculty, and staff on a variety of mental-health issues.

Counseling & Psychiatric Services

For students with mental-health concerns related to alcohol or other drug use, confidential counseling and psychiatric services are available for individuals and for couples/partners (only one member is required to be a student). Empirically-validated treatments for substance-use disorders are utilized by counselors depending on the unique characteristics of the individual, including motivational interviewing, cognitive-behavioral therapy, and concurrent attendance at local Alcoholics Anonymous (AA), Narcotics Anonymous (NA;), Al-Anon, or other groups when appropriate (e.g., National Alliance on Mental Illness; San Antonio Council on Alcohol and Drug Awareness; etc.).

Students with more serious drug and/or alcohol problems that require medical intervention are referred to local treatment facilities with expertise in the treatment of substance-use disorders, such as the San Antonio Recovery Center (SARC). For students residing outside of the local area or impending graduates, referrals to similar groups and treatment facilities in other geographic locations are made to optimize continuity of care.

The Counseling Center Assessment of Psychological Symptoms (CCAPS) is a measure of psychological symptoms used by many university counseling centers across the nation to provide information about students' presenting issues at intake, as well as information about treatment progress from periodic CCAPS administrations. It includes several subscales, including Depression, Generalized Anxiety, Social Anxiety, Academic Distress, Eating Concerns, Family Distress, Hostility, Substance Use, and an overall Distress Index. CCAPS data for academic years 2018-19 and 2019-20 indicates that the average Substance Use score for St. Mary's University is slightly lower than the national average; however, this score difference is not statistically significant⁹. For students with two or more CCAPS administrations during treatment, indicators of treatment effectiveness suggest improvement for the 2019-20 academic year relative to the 2018-19 academic year, with 60% of students reporting sub-clinical Substance Use scores post-treatment, relative to 20% of students reporting sub-clinical scores in AY 18-19¹⁰. Due to the possible impact of the COVID 19 pandemic on any mental-health data reported for AY 19-20, similar treatment effectiveness data should be collected and reported in the next biennial report.

⁹ Student Counseling Center CCAPS data for the 2018-2020 biennium is included with this review as Appendix M

¹⁰ Student Counseling Center CCAPS subscale data is included with this review as Appendix N

Outreach and Educational Programming ¹¹

The majority of SCC outreach and educational programs over the last two academic years that focused in whole or in part on alcohol and drug use were conducted in partnership with other campus and community members to develop the most relevant content for intended audiences. The SCC regularly participates in collaborative programming for the University's Orientation programs, as well as training for Residence Hall Advisors. Issues of alcohol and other drug use are specifically included in these programs, with an emphasis on real-life situations that students may encounter in a University setting (e.g., on- or off-campus parties, peer pressure, risk of sexual assault). Relative to the 18-19 AY, collaborative and Student Counseling Center outreach programming increased by approximately 56%, with much of this increase attributable to new programming on suicide risk and prevention, and enhanced programming on healthy relationships. Alcohol and other drug use is included as part of this programming, with information related to risk factors for suicide, attempts to self-medicate for anxiety and depression, and the relationship between incidence of sexual assault and use of alcohol and other drugs.

For the coming biennium, the SCC will continue to use empirically-validated, culturally-sensitive treatment approaches as required by the Texas State Board of Examiners of Psychologists and ethical guidelines for the practice of psychology noted by the American Psychological Association (APA). Programming information from the Substance Abuse and Mental Health Services Administration (SAMHSA) such as the Behavioral Health Among College Students Information and Resource Kit will serve as a primary resource for modification and development of SCC programming based on recent research on the incidence and effectiveness of prevention programs in the college setting.

Alcohol and Other Drugs Support Programs For Students, Faculty, and Staff

The StMU Safe Harbor Policy, documented in the Code of Student Conduct, allows any student to seek assistance for their drug or alcohol use, addiction, or dependency from StMU officials outside the threat of drug tests or conduct sanctions and without concern about a conduct complaint being pursued. The student, who is expected to sign releases allowing for effective monitoring of compliance, may use a written action plan to track cooperation with the Safe Harbor Program.

The offices of Student Integrity and Welfare or Student Counseling Services may also refer students who are suspected to have a significant or serious substance abuse problem to the San Antonio Recovery Center (SARC). While at SARC, students may complete assessments and receive outpatient/inpatient care for their dependency or addiction.

Faculty and staff who ask for assistance with AOD-related issues can access the year-round Employee Assistance Program (EAP) for treatment, counseling, and resources. St. Mary's University maintains a third-party agreement with an EAP provider. Information on the University's EAP is available through the Gateway web portal and is included in all welcome packets provided to new staff hires. The EAP web portal offers free access to education and training as well as access to in-person counseling sessions.

¹¹ Student Counseling Center Outreach and Educational Programming is included with this review as Appendix L

DAAPP GOAL 3:

Create, update, and consistently enforce St. Mary's University policies that support campus efforts to create an educational and working environment free from the negative effects of alcohol and other drugs use and abuse.

DAAPP Policy, Enforcement and Compliance Inventory

The Code of Student Conduct

The Code of Student Conduct contains a statement about disciplinary sanctions StMU will impose on students found responsible for violating University policy, as well as a description of each sanction. In compliance with the Drug-Free Schools and Communities regulations, the Code includes the following information:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students on StMU property, or as part of any StMU-sponsored activity
- A description of the legal sanctions for the unlawful use, possession or sale of illicit drugs and alcohol available under local, state, and federal law
- A clear statement of the disciplinary sanctions imposed on students for violating the policy and a description for each sanction

The Code of Student Conduct also provides amnesty to students who offer or provide assistance (bystander intervention), and for those students who want to report serious violations but may be hesitant to report incidents to University officials because they fear that they themselves may be accused of AOD-related policy violations at the time of the incident. This document can be found online at <https://www.stmarytx.edu/policies/student-development/code-of-student-conduct/> .

Office of Student integrity and Welfare ¹²

The Office of Student Integrity and Welfare reviews all non-academic allegations of student misconduct, including allegations of alcohol or other drug use that violates Texas state law, the StMU Code of Student Conduct, or Residence Life Community Living Standards. Once a finding of violation has been determined, the individual is subject to sanctions commensurate with the offenses and in accord with any aggravating or mitigating circumstances. Consistency in AOD sanctioning decisions is ensured by adherence to the procedures outlined in the Code of Student Conduct, regular staff development training of the Coordinator of Student Integrity and Welfare, and informal process and outcome checks on selected cases conducted by the Vice Provost for Student Development and Dean of Students.

¹² Clery Annual Campus Crime Statistics for the years 2017 through 2019 and AOD summary sanctioning statistics for the 2018-2019 and 2019-2020 academic years are included in this report as Appendix E

Alcohol-Related Misconduct

Alcohol related misconduct subject to review under the Code of Student Conduct or the Residence Life Community Living Standards (CLS) by the office includes the following offenses:

- *Alcohol* - Use, possession or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and university policy
- *Alcohol* - Minor in Consumption
- *Alcohol* - Sold or Given to Minors
- *Collusion* - Action or inaction with others to violate the St. Mary's University Code of Student Conduct
- *Damage and Destruction* - Intentional and unauthorized damage to or destruction of university property, or property of another
- *Failure to Comply* - Failure to comply with the directives of university officials or law enforcement officers during the performance of their duties or failure to identify oneself to these persons when requested to do so
- *Falsification* - Knowingly furnishing or possessing false, falsified or forged materials such as falsification or misuse of documents, accounts, records, identification or financial instruments
- *Harm to Persons* – Intentionally or recklessly causing physical harm or endangering the health or safety of another person
- *Violations of Law* - Public Intoxication
- *Community Living Standard (CLS) 1: Alcohol*
 1. Alcohol consumed by persons under the age of 21
 2. Alcohol consumed in public places that are not pre-approved special events or designated areas on campus for alcohol consumption, regardless of age
 3. Alcohol sold or given to minors
 4. Printed materials, flyers, or posters advertising alcohol when displayed outside a residence hall room. (Note: this includes doors to rooms)
 5. Possession of kegs, wine boxes, or other common source containers of alcohol, whether empty or full. Kegs or beer pong tables may not be used as decorations or furniture
 6. The manufacturing of alcoholic beverages in the residence halls
 7. Violation of alcohol policies by guests of residents
 8. Attendance at parties or gatherings where alcohol is being served if you are under the age of 21

During the 2018 - 2020 biennium, a student found responsible for a first-time violation of the University's alcohol policies commonly received a warning, and if they lived on-campus, up to one year of Residence Life probation and a restriction against registering as a guest of Residence Life for the next Fiesta OysterBake campus event. A student found to be responsible for providing alcohol to minors typically receives a sanction of conduct probation for up to one year, as well as four to eight hours of community service. In addition, if the sanctioned student who provided alcohol also represented the university as a campus activities leader or as an athletic team member, the student was commonly required to have a meeting with the organization's staff sponsor or head coach to discuss his/her actions and their impact on their ability to serve as a leader in that organization. On-campus residents

who provided alcohol to underage students received additional sanctions, including up to one year of Residence Life probation, visitation restrictions to certain residence halls, and complete loss of visitation and hosting privileges for the next Fiesta OysterBake campus event.

Students who commit multiple violations of University policy and/or violations of Residence Life Community Living Standards related to alcohol commonly receive lengthened terms of University or Residence Life probation, increased community service hours requirements, fines of up to \$400, and deferred or actual/immediate loss of their on-campus housing privilege.

Sanctions and corrective actions for staff who violated University policy related to use of alcohol include, but are not limited to, verbal and written warnings, required counseling, demotion, suspension with pay, suspension without pay, and dismissal. These sanction options are documented in *Section 5.0 Separation from Employment* in the University's Personnel Manual.

Drug-Related Misconduct

Drug-related misconduct subject to review under the Code of Student Conduct or the Residence Life Community Living Standards (CLS) by the office includes the following offenses:

- *Drugs* -Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and University policy
- *CLS 8 – Drugs and Paraphernalia*
 1. Use, possession, manufacture or sale of illegal drugs
 2. Possession of drug related paraphernalia
 3. Reasonable suspicion regarding use, possession, or sale of illegal drugs

Violations of any state or federal law for controlled substances, which occur off campus and are not associated with a University activity, may result in disciplinary charges if the continued presence of the individual on campus is likely to interfere with the educational process or the orderly operations of the university.

A student found responsible for a first-time drug violation usually received a full academic year of conduct probation, 8 to 20 hours of community service, residence hall visitation restrictions, and up to two years of Residence Life probation. In addition, if the sanctioned student represented the university as a campus activities leader or as an athletic team member, the student was commonly required to have a meeting with the organization's staff sponsor or head coach to discuss his/her actions and their impact on their ability to serve as a leader in that organization.

Subsequent drug-related violations by students may result in consequences up to and including suspension, dismissal, or expulsion from school. Cases involving employees result in disciplinary sanctions up to and including termination, with the severity of sanctions depending on the nature and seriousness of the case. Students found responsible for selling drugs or other controlled substances on campus are typically separated from StMU for four years.

During the 2018-19 academic year, one student was found responsible for selling drugs within the StMU community and consequently suspended from the University.

No student fatalities occurred related to alcohol or other illegal drugs or the use or abuse of controlled substances at StMU or as part of any of University activities during the 2018-2019 and 2019-2020 academic school years.

Sanctions and corrective actions for staff who violate University policy related to use drugs also include, but are not limited to, verbal and written warnings, required counseling, demotion, suspension with pay, suspension without pay, and dismissal, in accordance with the terms of Section 5.0 *Separation from Employment* in the University's Personnel Manual.

AOD Policy, Enforcement and Compliance Inventory for Faculty, Staff, and Guests^{13 14}

Information on StMU's DAAPP is provided to new employees as part of their onboarding process. Related information on the StMU Drug-Free Workplace Policy is also included in the StMU Personnel Manual. This document is available on the StMU website at www.stmarytx.edu/policies/policy/drug-free-workplace/.

Each academic year, employees must also acknowledge they have read and understood the Drug-Free Workplace Policy as part of the required Employee Annual Policy Notification for all StMU employees. New hires (full-time and part-time faculty and staff) who start working after the annual notification is electronically distributed receive a training link to complete within sixty (60) days of employment.

The University's Policy on Alcohol Service and Sales states all members of the StMU community and guests are expected to comply with Texas State law and exercise responsible behavior when consuming alcoholic beverages on campus, whether provided at an event or purchased at in The Pub (on campus). This Policy contains guidelines for hosting sponsored events where alcohol is served and includes the following statement about the penalties the university may enforce for failure to comply:

Failure to comply with these or any other StMU regulations or policies may result in event cancellation or termination. Additionally, StMU disciplinary action may be initiated in accordance with the procedures outlined in the StMU Code of Student Conduct (students), StMU Personnel Manual (staff), or StMU Faculty Handbook (faculty). Disciplinary action imposed by StMU may precede and be in addition to penalties imposed by law enforcement authorities off campus.

This policy is available on the University website at the following link and is also included in this review appendix: <https://www.stmarytx.edu/policies/policy/alcohol-service-and-sales/>

Tobacco-free campus - The University has dedicated tobacco-allowed areas on campus marked with "Designated Tobacco (Smoking) Area" signage. Appropriate receptacles are available at each designated tobacco (smoking) area for the disposal of tobacco products. Persons not disposing of tobacco products appropriately will be subject to disciplinary action in accordance with employee

¹³ The text of Drug-Free Workplace Policy is included with this review as Appendix G

¹⁴ The text of the university's Alcohol Service and Sales Policy is included with this review as Appendix H

(faculty and staff) and student conduct policies. Refusal to appropriately dispose of tobacco products in the designated area by visitors, guests and contractors is grounds for removal from campus.

All St. Mary's employees, students, visitors, guests, and contractors are required to comply with this policy, which remains in effect at all times. Refusal to comply with this policy is cause for disciplinary action in accordance with employee (faculty and staff) and student conduct policies. Refusal to comply with the policy by visitors, guests, and contractors is grounds for removal from campus.

DAAP GOAL 4

Conduct a regular examination of the St. Mary's University DAAPP to identify and address areas for improvement in the management and delivery of the program.

Assessment of the StMU DAAPP Effectiveness

The University's DAAPP education and prevention programming efforts are based on sound administrative policies addressing the presence of alcohol and other drugs within our student community. These policies are reviewed and updated annually to ensure the information contained therein represents a 'best practices' approach to addressing issues of alcohol and drug abuse within the St. Mary's University community.

Multiple offices across StMU collaborate to provide alcohol and drug education programming through a wide variety of events, presentations, and other educational experiences for our community. This collaborative programming approach highlights the level of importance of this topic within the StMU community while also demonstrating a team-centered approach to sustaining a comprehensive, campus-wide AOD programming model.

St. Mary's University ensures the consistency of enforcement of alcohol and other drugs sanctions through several methods. The Code of Student Conduct is reviewed annually and undergoes a comprehensive review every three to five years to incorporate any changes in Federal or state laws and to reflect any emerging best practices to the process of adjudicating student misconduct.

Student conduct correspondence is conducted using the Maxient conduct database software for managing student conduct records. The Maxient software enables standardization in the process for reporting alleged student violations of the Student Code of Conduct related to the unlawful possession, consumption or distribution of alcohol and other drugs by the StMU student population.

The Maxient software provides an additional opportunity to ensure consistency in the adjudication of these cases by compiling detailed data on the number of alcohol and drugs cases adjudicated in any period, who adjudicate these cases, and the number and type of sanctions assigned to students who violated the University's Alcohol and Other Drugs Policy. Data collected during the reporting of campus incidents also provides better insights into violation trends and correlations with the time of year or time of the semester.

While the University makes a good-faith effort to provide all community members with information about the campus DAAPP at the time of their entry to campus, more work is required to ensure that students with incorrect or corrupted email accounts and off-cycle employee hires are also receiving this information as required under the DFSCA.

Many campus partners use evidence-based AOD prevention and education programs, but more work is required to systematically collect and evaluate outcomes data showing that the institution's efforts are having a net positive effect on reducing the adverse effects of drug and alcohol use on the St. Mary's University community.

During the 2020-2022 biennium, improving DAAPP distribution and documentation procedures and emphasizing the systematic collection of programmatic and effectiveness data for all campus alcohol and other drugs education and prevention efforts to ensure DFSCA compliance will be the two main focuses of the Review Team.

Campus AOD Program Strength and Challenges

Strengths

- The University annually reviews and revises all AOD-related policies and guidelines for the community and makes these policies available online at <https://www.stmarytx.edu/policies/>
- An Employee Assistance Program (EAP) is available for all faculty and staff
- Collaborative AOD wellness and education programming efforts across campus highlights the University's shared commitment to achieving DAAPP goals

Areas for Improvement

- Document and affirm the completion of the annual DAAPP notification process for all students
- Document and affirm the DAAPP notification process for off-cycle new hires
- Develop a strategic plan of action to coordinate and assess the effectiveness of our current AOD education and prevention efforts.
- Increase faculty and staff awareness of campus DAAPP components
- Collect climate survey data for upper class, graduate, and law students about their attitudes and behavior towards alcohol and other drugs use at StMU
- Increase attendance at AOD events, as it is not yet at an optimum level for all programs

Goals and Recommendations for the 2020 - 2022 Biennium

Re-focus the DAAPP Biennial Review Team on the goal of improving program guidance, documentation, and assessment efforts for the StMU community

By July 1, 2021, Review Team members will create a strategic action plan to coordinate, implement, and assess the effectiveness of our current DAAPP. Team member action steps will include:

- Use the College Alcohol Intervention Matrix (AIM) matrix from the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and guidance from U.S. Department of Education's Office of Safe and Drug-Free Schools (OSDFS) to help identify effective alcohol and other drugs interventions for the campus
- Supplement or replace current campus AOD programs with these programs to create effective tiered AOD individual, group-level, institutional, and community-level education and intervention strategies for the StMU community
- Create a master schedule to ensure these education and intervention strategies are coordinated and implemented within the StMU community.

Team members will then meet regularly following the completion of the strategic action plan to:

- Review elements of this approach and propose changes to respond to specific campus concerns or incorporate emerging best practices in emerging AOD programs
- Regularly assess the entire DAAPP for effectiveness and 'fit' with the StMU community and make improvements as needed.

Research the effect of the strategic campus partnerships between Residence Life and the University Police Department on reducing the number of AOD on-campus student conduct incidents

In fall 2018, the University Police Department began issuing City of San Antonio citations to all StMU students found to be in possession on-campus of alcohol while underage or in possession of drugs or drug-related paraphernalia. In fall 2018 the Director of Student Integrity and Welfare and the Office of Residence Life also piloted a student conduct co-adjudication model, in which Hall Directors were directly involved in conduct meetings, sanctioning decisions, and educational follow-ups with resident students who were found responsible for lower-level violations of University policies, including alcohol policy violations. There was a notable decline in reported alcohol and drug arrests and referrals for the 2018-2019 academic year.

The University will therefore adopt and implement a full student conduct process assessment model to determine whether or not there was any correlation between changes in this response and the decline in reported AOD incidents among on-campus resident students. This model will be selected and tested on a trial basis for the spring 2021 semester and then fully integrated into the student conduct process at the start of the fall 2021 semester. This action will allow the University to collect and analyze feedback from students who have been through the campus conduct process for AOD-related infractions to see if this campus enforcement approach affected their choice to possess or consume alcohol or other drugs while on campus.

Support the continued work of University Athletics to enhance AOD education and accountability for student athletes

During the 2020-2022 biennium the Athletics Department will continue to dedicate resources toward educating student-athletes on drug and alcohol prevention, including performance-enhancing drugs. In addition to updating department policy, the Athletics Department's designated Drug Testing Coordinator, in collaboration with the Head Strength and Conditioning Coach and Athletics Department administration, will lead the charge of offering a variety of educational resources related to drug and alcohol use. The Head Strength and Conditioning Coach is dedicated to increasing the overall well-being of our student-athletes and will be a valuable resource for student-athletes who need some insight on performance-enhancing drug prevention.

Support the continued work of Student Counseling Services to enhance AOD counseling and support services for the StMU student community

Beginning with the 2020-2022 biennium, Student Counseling Services will pursue the following initiatives:

- Update existing student outreach programs on anxiety, depression, suicide risk, and healthy relationships to include specific information related to drug and alcohol awareness, including potential abuse of prescription and illegal drugs, as well as attempts to self-medicate for mental and physical symptoms.
- Explore collaborative programming with OSAVE to address assertive communication skills in real-life situations involving gender-based harassment, stalking, and assault.
- Explore collaborative programming with the Student Health Center to identify appropriate student groups and organizations to offer support for drug and alcohol awareness initiatives. Data strongly suggests that student participation and engagement in outreach programming is significantly higher when programming is targeted at student organizations than the general student population. Co-facilitated presentations to these groups include information on the physical, mental, and cognitive effects of drug/alcohol use; safety planning and responsible drinking; and assertive communication when confronted with peer pressure.

Incorporate findings of our Campus Climate Survey data to better understand how alcohol and drugs are impacting our students' experiences of gender-based violence.

In the 2019 and 2020 spring semesters, OSAVE conducted confidential Campus Climate Surveys to ask students about their experiences with sexual misconduct on campus. Survey data showed that a significant number of StMU students have experienced situations of sexual violence and dating violence that occur when either the victim, the perpetrator, or both individuals are using alcohol or drugs. Additionally, students indicated that many instances of gender-based violence and sexual assaults occur at off-campus events attended by St. Mary's students and students from other local colleges where alcohol or drugs are present. The Team will review the Campus Climate Survey data, identify findings of significance, and then incorporate these findings into AOD prevention and education efforts to address this specific negative outcome of AOD use among our students.

Pursue external funding opportunities that focus on teaching students about “harm reduction” strategies concerning alcohol and drug use.

“Harm reduction” strategies teach students how to make more deliberate and responsible decisions about their relationships with substance use. Securing external funding for education concerning alcohol and drug use would significantly expand the University’s capacity for engaging students in these conversations on a consistent basis throughout the academic year, and would allow the university to host large-scale programming and implement a mandatory online substance-abuse prevention module for the St. Mary’s University student community.

APPENDIX A

Annual DAAPP Notice



Sept. 12, 2018

To: St. Mary's University students

From: Tim Bessler, Ed.D., Vice Provost and Dean of Students

Subject: Annual Drug-Free Schools and Campuses Act notice

Dear students,

Today, I am writing to you in accordance with the federal notification requirements found in the Drug-Free Schools and Campuses Act of 1989 (20 U.S.C. § 1011i; 34 C.F.R. § 86.1et seq.; 55 Fed. Reg. 33.580). The Drug-Free Schools and Campuses Act helps assure that all members of the St. Mary's University community are provided with a copy of the University's policy on recognizing and responding to the significant issue of alcohol and other drug use within our community.

St. Mary's University is committed to the health and well-being of our students, faculty, and staff and I encourage you to take a few moments to familiarize yourself with the information in the [Biennial Review Report: Drug-Free School and Communities Act](#).

Included in this annual notice are the following:

- A link to the [Code of Student Conduct](#);
- A link to the University's [Alcohol and Other Drugs Policy](#), which includes a description of the applicable legal sanctions/disciplinary actions under federal, state, or local law and campus policy; a description of the health risks associated with alcohol and drug use; and a list of available treatment and support programs and services on and off campus

I also want to remind you of St. Mary's University's [Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment](#) policy. St. Mary's University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational

enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state and local laws.

All alleged violations of the University's Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy will be handled in accordance with the University's Equity Discrimination Resolution Process. The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the Title IX Coordinator and oversees implementation of this policy and alleged violations of this policy must be reported to the Title IX Coordinator (or a Deputy Coordinator) immediately. Title IX Coordinator and Deputies include the following individuals:

- Elsa Ybanez, Director of Human Resources, 210-436-3725 or email at titleix@stmarytx.edu
- Tim Bessler, Ed.D., Vice Provost for Student Development and Dean of Students, 210-436-3331
- Leona Pallansch, Ph.D., Vice Provost for Academic Affairs, 210-436-3204

As a reminder, please report crimes to the University Police Department at 210-436-3330 for non-emergencies and 210-431-1911 for emergencies.

Sincerely,

Tim Bessler, Ed.D.

Vice Provost and Dean of Students



ST. MARY'S UNIVERSITY

Sept. 11, 2019

To: St. Mary's University students

From: Tim Bessler, Ed.D., Vice Provost and Dean of Students

Subject: St. Mary's University Annual Policy Notifications

Dear students,

Today, I am writing to you in accordance with the federal notification requirements found in the Drug-Free Schools and Campuses Act of 1989 (20 U.S.C. § 1011i; 34 C.F.R. § 86.1et seq.; 55 Fed. Reg. 33.580). The Drug-Free Schools and Campuses Act helps assure that all members of the St. Mary's University community are provided with a copy of the University's policy on recognizing and responding to the significant issue of alcohol and other drug use within our community

St. Mary's University is committed to the health and well-being of its' students, faculty, and staff and I encourage you to take a few moments to familiarize yourself with the following information, policies and resources identified in this notice:

- A link to the **Code of Student Conduct**, which includes a description of the applicable disciplinary sanctions St. Mary's University will impose on students found responsible for violating the University's policies regarding the possession and/or use of alcohol and other drugs.
- A link to the University's **Alcohol and Other Drugs Policy**, which includes a description of the applicable legal sanctions/disciplinary actions under federal, state, or local law and campus policy; a description of the health risks associated with alcohol and drug use; and a list of available treatment and support programs and services on- and off-campus.
- A link to the University's **Hazing Policy**. In line with our Core Values and the Marianist Catholic charism, hazing is an act that is contrary to St. Mary's values of community, justice, peace and family spirit. Not only is hazing against the law, the act and its outcomes directly interrupt the learning environment of the University and are detrimental to all members of our community.

I also want to remind you of St. Mary's University's **Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy** and the **Equity**

Dispute Resolution Process. As required under both federal and Texas state laws, these two policies highlight the University's strong commitment to providing support for those who experience discrimination or harassment and promoting accountability in all aspects of the University's response to these reports within the Rattler community.

The Equity Discrimination Resolution Process applies to all students, staff, or faculty within the Rattler community. The University reserves the right to act on conduct that may constitute a violation of this policy occurring on-campus or off-campus when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

Please be aware that St. Mary's University has also developed **Interim Adjudication Guidance for Title IX Reports of Sexual Harassment and Sexual Misconduct** to comply with the U.S. Department of Education's 2020 Title IX Final Rule, which revised the process that higher education institutions must use when receiving and responding to reports of sexual harassment and sexual misconduct among our community members.

This interim guidance replaces the process the University has used to respond to reports of sexual harassment and sexual misconduct as described in the Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy and resolved through the Equity Dispute Resolution Process.

The Executive Director of Title IX and Clery Compliance and the Executive Director of Human Resources serve as the Title IX Co-Coordinators for these policies. Any alleged violation of these policies must be reported to the university immediately via any of the following methods:

- File in person with a Title IX Co-Coordinator:
 - Janet Guadarrama, Executive Director, Human Resources, and Title IX Co-Coordinator, 210-436-3725
 - John Wickline, Executive Director, Title IX and Clery Compliance, 210-436-3331
- Call the Title IX Coordinator at 210-436-3725 or email titleix@stmarytx.edu
- Fill out the **Title IX Complaint form** online
- Contact the University Police Department at 210-436-3330 for non-emergencies and 210-431-1911 for emergency assistance.

Sincerely,

Tim Bessler, Ed.D.
Vice Provost of Student Development and Dean of Students

APPENDIX B

Alcohol and Other Drugs Policy

Available online at

<https://www.stmarytx.edu/policies/student-development/alcohol-and-other-drugs-policy/>

St. Mary's University is committed to preventing alcohol abuse and controlled substance use within our University community. Alcohol abuse and controlled substance drug use disrupts the special environment of personal growth that St. Mary's seeks to foster. As such, every member of the St. Mary's University community must help prevent alcohol abuse and controlled substance drug use from negatively affecting our learning environment.

This summary provides information on health risks, University policy, and legal repercussions associated with alcohol and other drug abuse. Additionally, information is provided on intervention, assessments, counseling, and referrals through StMU programs that can help all of community members reinforce and positively contribute to the educational mission of St. Mary's University.

The Student Handbook outlines St. Mary's University policies regarding drugs and alcohol including the process by which violations of these policies are addressed and relevant sanctions.

Health Risks

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

Alcohol used in any amount by a pregnant woman can cause birth defects and permanent brain damage to the child. Mothers who regularly drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. Drug use by a pregnant woman may also cause addiction or health complications in her unborn child.

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

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

information about health risks associated with alcohol and drug use call the *Student Health Center* at (210) 436-3506 or the *Student Counseling center* at (210) 436- 3135.

Campus Resources

To help individuals who may have alcohol or other drug use problems, the following resources are available to students, faculty, and staff.

St. Mary's University *Student Counseling* supports the intellectual, emotional, social, and cultural development of students by offering a wide range of confidential services, including personal and group counseling, consultation, and educational services. To make an appointment, students should call (210) 436-3135 or view their website.

The *Employee Assistance Program (E.A.P.)* administered by the Human Resources Office provides support for all University employees on the issues of alcohol and drug misuse, abuse, or dependence, among other areas. More information on the services provided through the Employee Assistance Programs can be obtained by calling the Human Resources office at (210) 436-3725.

St. Mary's Policy on Alcohol and Other Drugs

The abuse of alcohol and other drugs by members of the University community is incompatible with the goals of an academic institution. In accordance with Texas State Law, St. Mary's University does not permit the purchase, possession or consumption of alcohol by persons less than 21 years of age. Alcohol must be served by ARAMARK, the University's contracted food service provider, or a third party vendor, which must be licensed and pre-approved by the Dean of Students. The University's Alumni Association and ARAMARK each hold beer and wine licenses for the campus, but neither organization's license permits the sale or distribution of any other kind of alcoholic beverage.

Respect is the foundation upon which the University bases its Alcohol Policy as outlined in the following areas:

- a. Respect for Oneself - Those who are of legal age and choose to drink must never do so in a manner that puts them at personal risk.
- b. Respect for Others - Intoxication is inappropriate behavior and does not excuse an individual from personal responsibility. Anyone choosing to drink must not drink to a level or in a situation where the rights and well-being of others might be endangered.

- c. Respect for Property - Research indicates that most campus vandalism and destruction is directly related to alcohol consumption. Each individual will be held responsible for any damage done while under the influence.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Low to moderate doses of alcohol significantly affects the judgment and coordination required to drive a car safely, and also increases the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental function, 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 described.

Other Drugs

State law, as well as University policies, prohibits the medically unsupervised use, possession, sale, manufacture or distribution of any narcotics or controlled substances. Additionally, abuse and misuse of prescription drugs and medications is prohibited.

Tobacco (Nicotine)

Some 30% of cancer deaths (130,000 per year) are linked to smoking. Chronic obstructive lung diseases such as emphysema are 10 times more likely to occur among smokers than non-smokers. Smoking during pregnancy also poses serious risks such as spontaneous abortion, pre-term birth, low birth weights, and fetal and infant deaths.

Designer Drugs

To circumvent legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce designer drugs. Many of the so-called designer drugs are related to amphetamines (MDMA, X). These substances can produce a severe neurochemical change to the brain. Narcotic type drugs (china white) can cause Parkinson's disease-like symptoms (uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage). Amphetamine and methamphetamine type substances cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Designer phencyclidine causes illusions, hallucinations and impaired perception.

Narcotics

Narcotics initially produce feelings of euphoria followed by drowsiness, nausea and vomiting. Users may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Addiction in pregnant women can lead to premature, stillborn or addicted infants who experience severe withdrawal symptoms.

Cocaine

The use of cocaine can cause death by cardiac arrest or respiratory failure. Immediate effects include dilated pupils, elevated blood pressure, heart rate, respiratory rate and body temperature. Occasional use can cause stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Cocaine can produce psychological dependency; a feeling that the user cannot function without the drug. Crack or freebase rock is extremely addictive, and physical effects include dilated pupils, increase pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures.

Other Stimulants

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. Users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination and even physical collapse. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

Marijuana (Cannabis)

Use of cannabis may impair or reduce short-term memory and comprehension, alter one's sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis and is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer causing agents than tobacco smoke.

Anabolic Steroids

Steroid users subject themselves to more than 70 possible side effects ranging in severity from liver cancer to acne, and include psychological, as well as physical reactions. The liver, cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause sterility and impotence. In females, irreversible masculine traits can develop along with sterility. Psychological effects include very aggressive behavior and depression.

Hallucinogens

LSD, mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased. Users of PCP report persistent memory problems and speech difficulties, depression, anxiety and violent behavior patterns.

Depressants

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

Alcohol and Drug Abuse Awareness and Education

St. Mary's University is a drug free school. The Drug Free Schools and Campuses Act of 1989 requires institutions of higher education to adopt and implement programs to prevent the unlawful possession, use or distribution of controlled substance drugs and alcohol. The University Wellness Team partners with the Office of Residence Life, Student Activities and Transition Programs, University Police Department, and other campus departments to provide alcohol and drug abuse education and awareness programs each semester. Special programming emphasis is given to peak times when there may be a potential for alcohol and drug abuse, such as holidays, winter and spring breaks, social and leisure activities, and seasonal city events.

Alcohol and Drug Abuse Resources

The following are alcohol and drug abuse resources that are available both on and off campus:

On Campus:

Student Health Center 436-3506

Medical assistance is available to students and is provided by a Board Certified Family Practice physician and a Physician Assistant.

Campus Ministry 436-3213

Offers pastoral and spiritual counseling and guidance.

Student Counseling Center 436-3135

Counseling services are available by counselors, therapists, and staff psychologists, as well as psychological assessment and testing, and individual and group counseling. Psychiatric support is also available.

Off Campus:

Information concerning off campus psychological and psychiatric resources can be obtained from the Student Counseling Center. Information concerning off campus medical resources can be obtained through the Student Health Center.

PENALTIES FOR ALCOHOL VIOLATIONS

St. MARY'S UNIVERSITY

The following list of sanctions is meant to illustrate the possible St. Mary's University actions for students responsible for violating a drug or alcohol policy. However, final decisions about sanctions will depend on the nature of each individual incident.

Possession/consumption by a minor or consumption in a non-designated area or serving/selling to a minor or public intoxication:

Range of sanctions for initial incident: fines, reflection activity, substance abuse assessment(s) and counseling, parental contact, follow-up meeting(s) with university staff

Subsequent incident(s): Fine: increments of \$50 per offense, up to \$300; possible loss of on-campus housing privilege and disciplinary suspension from university

Driving under the influence:

Range of Sanctions for initial incident: fines, reflection activity, substance abuse assessment(s) and counseling, parental contact, follow-up meeting(s) with university staff

Subsequent incident(s): Referral to civil authorities and possible suspension at the discretion of the Dean of Students.

TEXAS LAW

Sale of alcohol to a minor - Texas Alcohol Beverage Code §106.03

Penalty: Class A Misdemeanor: A fine not to exceed \$4,000, confinement of up to a year in jail, or both.

Purchase, possession or consumption of alcohol by a minor - Texas Alcohol Beverage Code §106.04

Penalty: Class C Misdemeanor: A fine not to exceed \$500

Possession of alcohol in a motor vehicle (Open container) - Texas Penal Code §49.031

Penalty: Class C Misdemeanor: A fine not to exceed \$500

Public Intoxication – Texas Penal Code §49.02

Penalty: Class C Misdemeanor: A fine not to exceed \$500

Driving while intoxicated (includes intoxication from both alcohol and/or drugs) – Texas Penal Code §49.04

Penalty: Class B Misdemeanor: A fine not to exceed \$2,000, confinement of up to 180 days in jail, or both.

PENALTIES FOR DRUG VIOLATIONS

St. MARY'S UNIVERSITY

Possession, use, procurement or sale of illegal drugs, drug paraphernalia or controlled substances.

Range of sanctions for initial incident: fines, reflection activity, substance abuse assessment(s) and counseling, parental contact, follow-up meeting(s) with university staff

Subsequent incident(s): possible loss of on-campus housing privilege and disciplinary suspension from St. Mary's University

TEXAS LAW

Manufacture or delivery of controlled substance (drugs) - Texas Health and Safety Code. §481.113

Minimum: Confinement in jail for a term of not more than 10 years or less than two years, or confinement in a community correctional facility for not more than one year, and a fine not to exceed \$10,000

Maximum: Confinement in jail for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$500,000

Delivery of Marijuana - Texas Health and Safety Code §481.120

Minimum: Confinement in jail for a term not more than 180 days and a fine not to exceed \$1,000

Maximum: Confinement in jail for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$250,000

Possession of Marijuana - Texas Health and Safety Code §481.121

Minimum: Confinement in jail for a term not to exceed 180 days and a fine not to exceed \$1,000

Maximum: Confinement in jail for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$250,000

FEDERAL LAW

Manufacture, distribution, dispensing drugs (includes Marijuana).

Minimum: A jail term of not more than a year and a fine of \$1,000

Maximum: A jail term of life without release (no eligibility for parole) and a fine not to exceed \$8,000,000 (for individual) or \$20,000,000 (if other than an individual)

Possession of Drugs (including Marijuana)

Minimum: Civil penalty in amount not to exceed \$10,000

Maximum: A jail term of not more than more 20 years or not less than five years, and a fine of not less than \$5,000 plus costs of investigation and prosecution.

Operation of common carrier under the influence of alcohol or drugs

Maximum: A jail term of up to 15 years and a fine not to exceed \$250,000

St. Mary's University Sanctions

A student or employee found responsible for violating the St. Mary's University Alcohol or Drug Policy or the laws of the State of Texas has committed a violation of Student Code of Conduct and/or the StMU Personnel Manual, and is subject to sanctions commensurate with the offenses and any aggravating or mitigating circumstances.

Disciplinary action in cases involving drug-related violations by students may result in suspension, dismissal, or expulsion from the University. Cases involving employees will result in disciplinary sanctions up to and including termination. Severity of sanctions will depend upon the nature and seriousness of each case.

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

University disciplinary proceedings will be implemented in accordance with the procedures outlined in the Student Code of Conduct (students) and the StMU Personnel Manual (faculty and staff). Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by authorities off campus.

APPENDIX C

DAAPP Distribution Procedures

St. Mary's University has established the following procedures to ensure that information about the University's Drug and Alcohol Abuse and Prevention Program (DAAPP) is actively distributed on an annual basis to members of the St. Mary's University community

For Students

Annual Notification

Information on the St. Mary's University DAAPP is distributed via an e-mail from the Dean of Students to all currently enrolled undergraduate, graduate, and law students each year after the 12th class day but before September 15th of each new academic year. Distribution occurs electronically as an email message with both information about the DAAPP and the updated DAAPP as an attachment.

New freshman and transfer students

Think About It¹⁵ - All new freshmen and transfer students, before the beginning of their first semester on campus, are required to complete Think About It, an online substance and sexual abuse training program. The program prepares students to confront and prevent serious campus problems. The St. Mary's Code of Student Conduct and other elements of the university's DAAPP are presented throughout this interactive training program.

New and Transfer Student Orientation: Information on elements of the St. Mary's DAAPP is presented by or on behalf of the Office of Student Integrity and Welfare as part of new, international, graduate, Law and transfer student orientation programs.

Zaragoza Extended Orientation: Information contained in the university's DAAPP is presented within the context of the 'Real Life Situations' program. The program is a series of real life situations and challenges likely to be encountered by college students. A rotating series of nationally-known speakers also integrates elements of the University's DAAPP into their various presentations to new students on how to make positive life and relationship choices regarding drugs, alcohol, and tobacco.

ND 0101 Personal and Academic Development Freshman Seminar: Within their first month of class information on the University's AOD policies within the Code of Student Conduct is presented during a "Rights and Responsibilities" presentation to all freshman and transfer students.

Residence Life: Information found in the St. Mary's DAAPP is presented to all resident students during mandatory floor meetings held in each residence hall at the start of each academic semester. Multiple mandatory sessions are held by hall at the start of each semester to accommodate student work/study schedules and ensure information is received by all residents. Graduate and Law students

¹⁵ For the 2019-2020 academic year, St. Mary's University replaced the 'Think About It' program with "U Got This" an online violence prevention and bystander training program from Catharsis Productions

are additionally offered the option to review DAAPP program elements online in order to complete this requirement.

For Faculty and Staff

Information on aspects of the St. Mary's University's DAAPP is provided to new employees as part of their onboarding process. Related information on the University's Drug-Free Workplace Policy is also included in the St. Mary's Personnel Manual and available on the University's website. Each academic year, employees must also acknowledge they have read and understood the Drug-Free Workplace Policy as part of the required WeComply Employee Annual Policy Notification for all university employees." New hires (full-time and part-time faculty and staff) who start working after the annual notification is sent out receive a WeComply training link to complete within 60 days of employment.

Community Access

Information on policy elements of the DAAPP such as the Code of Student Conduct, Policy on Alcohol and Other Drugs, and Policy on Alcohol Service and Sales is available online at the Policies section of the University webpage. Descriptive information about the health risks and legal sanctions associated with the use of illicit drugs and alcohol is also available to the St. Mary's community via the University Police Department website. DAAPP policy elements and historic information on drug and alcohol crimes on campus are listed in the annual Campus and Fire Safety Compliance Report, also available online.

Electronic distribution accommodations for missing/incorrect emails

All students and employees of St. Mary's University are assigned a University email upon matriculation or employment at the University. St. Mary's considers email to be an official form of communication with our community. On receipt of a returned or undeliverable email in response to distribution of information about the university's DAAPP, Information Technology Services seeks to correct any corrupted or incomplete email address to properly locate and deliver information to a particular student or employee under those circumstances.

Required policy acknowledgements for University staff included as part of annual *We Comply* on-line training requirement for St. Mary's University employees

Preventing Sexual Misconduct (Title IX) - Internet Explorer

http://training.wecomply.com/wc2/admin/preview.aspx?pid=10062856&lang=1033&engineType=XSLT&psid=undefined

PREVENTING SEXUAL MISCONDUCT (TITLE IX)

Acknowledgment

I have read and understood our organization's policy prohibiting sexual discrimination, harassment and violence, and I agree to abide by it. I understand that a violation of the policy is grounds for discipline, which could include termination of my employment.

[Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment](#)

[Equity Dispute Resolution Process](#)

[Employee Annual Policy Notifications](#)

I agree I do not agree

AA 16/16

Text of *We Comply* Employee Annual Policy Notifications document

ST.MARY'S UNIVERSITY



Employee Annual Policy Notifications
Academic Year 2018 - 2019

Summaries of the University's Important Policies

Accident Prevention Plan

St. Mary's University is committed to providing a safe workplace and learning environment for all employees, students, and visitors. The University has developed the accident prevention program to identify and eliminate hazards that may develop in the work place. Safety, health and job performance shall be considered when performing any task. No employee or student shall knowingly violate a safety rule or risk their personal safety or the safety of others in performance of his/her duties.

Code of Business Conduct

The St. Mary's Code of Business Conduct ("the Code") describes standards of conduct expected of all staff employees of St. Mary's when conducting University business. Although the principles set forth are not designed to govern or address every matter, event, or situation that may arise, staff are expected at all times to adhere to the letter and spirit of the Code, abide by all laws, rules and regulations, and exercise high standards of integrity and sound ethical judgment in all University dealings and in conduct of all University business. Employees whose professional fields call for stricter standards must adhere to the criteria established for their line of work. Members of the Faculty are encouraged to support this code, although their conduct is governed by the Faculty Handbook.

Distracted Driver Policy

Employees conducting business while driving a University, personal, or rental vehicle used for University business, are prohibited from using any electronic devices whether personal, or University issued (cell phone, GPS, iPad, etc.) - whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, reading or responding to emails, text messaging, surfing the Internet, instant messaging, checking phone messages, or programming a GPS device. If an employee needs to use a phone or other electronic device, it is recommended that the employee pull over safely to the side of the road or other safe location.

Drug-Free Workplace

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation of the University to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences for violators of the policy.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five days after the conviction.

The University recognizes that drug and alcohol dependency is an illness and a major health problem. The University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact the Office of Human Resources in order to determine community drug counseling and drug assistance programs that are available.

Employee Protection (Whistleblower) Policy

It is the intent of St. Mary's University (the University) to adhere to all laws and regulations that apply to the University and all employees are expected to share in this commitment. The support of all employees is necessary to achieve the University's goal of legal compliance.

The University will not retaliate against an employee who in good faith has filed such a complaint, bringing the alleged unlawful policy, practice, or activity to the attention of the University in accordance with this policy.

Any complaint or report of an alleged violation of the University's Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy shall be handled in accordance with the Equity Discrimination Resolution Process.

Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment (Includes Title IX Matters)

St. Mary's University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state, and local laws.

All alleged violations of this policy will be handled in accordance with the University's Equity Discrimination Resolution Process. The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty, or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus, when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the Title IX Coordinator and oversees implementation of this policy. Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. Reporting is addressed more specifically in Section 9 of this policy, below.

A full copy of the University's Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy is attached as [Appendix A](#). Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. All such allegations will be handled in accordance with the University's Equity Discrimination Resolution Process. A copy of the Equity Discrimination Resolution Process is attached as [Appendix B](#).

Fraternization: The University prohibits sexual or dating relationships where there is an institutional power difference between the parties involved, for example, between a supervisor and an employee, or between a faculty and a student, a coach

and an athlete, or an academic advisor and an advisee. Relationships with this power disparity may cast doubt on the objectivity of the supervision and evaluation provided, and may result in claims of sexual harassment and questions about the voluntariness of the relationship. Employees of the University who engage in a relationship prohibited by this policy may be subject to disciplinary action, up to and including termination of employment or, in the case of faculty, dismissal for cause.

In addition to the prohibition stated above, the University strongly discourages romantic, intimate, or sexual relationships between a student and faculty, student and staff, or student and University administrator, regardless of whether one party has institutional responsibility for or authority over the other. Individuals who enter into relationships where a professional power differential exists must realize that if a charge of sexual harassment is lodged, it will be exceedingly difficult to prove mutual consent. Romantic relationships often are perceived differently by each party—especially in retrospect. One party may recall the relationship being less consensual than the individual whose position confers power or authority. Thus, parties involved in these types of relationships assume all associated risks, and the University will hold both parties accountable regardless of blame or fault if such a relationship causes a problem for the University.

All employees engaged in a relationship that is discouraged by this policy are required to notify the Director of Human Resources in writing of such relationship. At the discretion of the University, one or both parties to the relationship may be subject to transfer or termination of employment. If transfer or termination is appropriate, the parties involved will be given the opportunity to determine which party will be subject to the change in employment status, to the extent possible. If the parties are unable to agree, the University will make the determination in its sole discretion.

This policy does not apply where the spouse of an employee is a student at the University so long as such relationship is disclosed to the Director of Human Resources.

Health Insurance Portability and Accountability (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules effective with respect to our health plans on April 14, 2003, limit the University's ability to receive and use individually identifiable health information ("Protected Health Information"). Protected Health Information can be used only for purposes of administering the health plans and not for other purposes (including, especially, employment related purposes such as hiring and firing decisions). Questions regarding HIPAA should be directed to the Office of Human Resources.

Pets on Campus Policy

No pets are allowed on campus unless approved as a service animal or as outlined in the Residence Life Handbook for students. This includes all buildings and grounds on

the main campus and property owned by St. Mary's University encompassing the Center for Legal and Social Justice (CLSJ) and the Continuing Education and Family Life Center (CEFLC).

Title IX Statement*

In accordance with Title IX, the University does not discriminate on the basis of sex in the University's services, educational programs, and activities, including, but not limited to admission to and employment by the University. Sexual harassment, which includes act of sexual violence, is a form of sex discrimination prohibited by Title IX and the University. Title IX also prohibits gender based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature. Retaliation for asserting or otherwise participating in an investigation of a claim or sex discrimination or harassment is likewise prohibited.

Please refer to the revised Policy titled **"Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment"**.

The Office of Human Resources, Dean of Students, and Chief of Police are designated to handle inquiries regarding the University's non-discrimination policies: The Director of Human Resource, St. Mary's University, is the Title IX Coordinator, One Camino Santa Maria, San Antonio, Texas, 78228, (210) 436-3725.

Weapons

St. Mary's strictly prohibits the use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons during working time or while representing the University, whether on or off St. Mary's campus or work places. St. Mary's Weapons Policy also prohibits:

- Use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons while teaching classes, attending classes, and/or while entering or being physically present on St. Mary's. (Prohibition extends to private vehicles parked on University premises and University vehicles wherever located).
- Applicants, employees, including faculty, administration, and support personnel, and/or visitors from entering University's premises or reporting for work or class while in possession of weapons.

Any employee, whether a member of the faculty, administration or support personnel, who violates St. Mary's rules against the possession of weapons will be relieved of duty, and discipline may include immediate dismissal. Any visitor who violates the

University's rules against the possession of weapons will have the firearm confiscated; will be considered a trespasser; and will be escorted off University's premises.

Workplace Violence Prevention

St. Mary's is committed to a safe work environment free of threats intimidation and physical harm. All employees have a right to work in a safe environment and share the responsibility for assuring each other's safety.

I acknowledge receipt of the summaries of the St. Mary's University's policies listed above. Full policies are located at www.stmarytx.edu/policies.

APPENDIX D

StMU Code of Student Conduct

St. Mary's University

Policy: Code of Student Conduct

Approver: Executive Council

Reviewer(s): Student Development Council

History: Approved by Student Development Council, December 17, 2014

Approved by Executive Council, May 7, 2015

Adopted: June 1, 2015

Updated: August, 2020

Related policies: Alcohol and Other Drugs Policy; Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment; Immediate (Emergency) Notifications (Clery Act); Timely Warning Notifications (Clery Act);

Responsible office(s): Vice President for Student Development, Dean of Students

Update cycle: Annual

Next update: August 2021

The St. Mary's University Code of Student Conduct is available online at:

<https://www.stmarytx.edu/policies/student-development/code-of-student-conduct/>

APPENDIX E

2017 - 2019 Clery Annual Campus Crime Statistics - Drugs and Alcohol Arrests and Referrals

Crime Category	On Campus			On Campus Student Housing			Non-Campus Building or Property			Public Property		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
<u>Arrests</u>												
Drug Law Violations	19	17	30	12	3	17	0	0	0	0	0	0
Liquor Law Violations	17	31	23	10	18	3	0	0	0	0	0	0
<u>Judicial Referrals</u>												
Drug Law Violations	4	2	31	4	1	21	0	0	0	0	0	0
Liquor Law Violations	10	14	77	10	12	76	0	0	0	0	0	0

NOTE: The above listed arrests and judicial referrals are for legally defined crimes in the local jurisdiction where the crime is reported. These do not include violations of the St. Mary's University Student Code of Conduct, Residence Life Policies, or other University policy.

University Campus Crime Statistics Terms:

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing: Under the Clery Act, an institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics: A) The total number of crimes that occurred on campus, including crimes that occurred in student housing facilities; and B) The number of crimes that occurred in on-campus student housing facilities as a subset of the total. Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

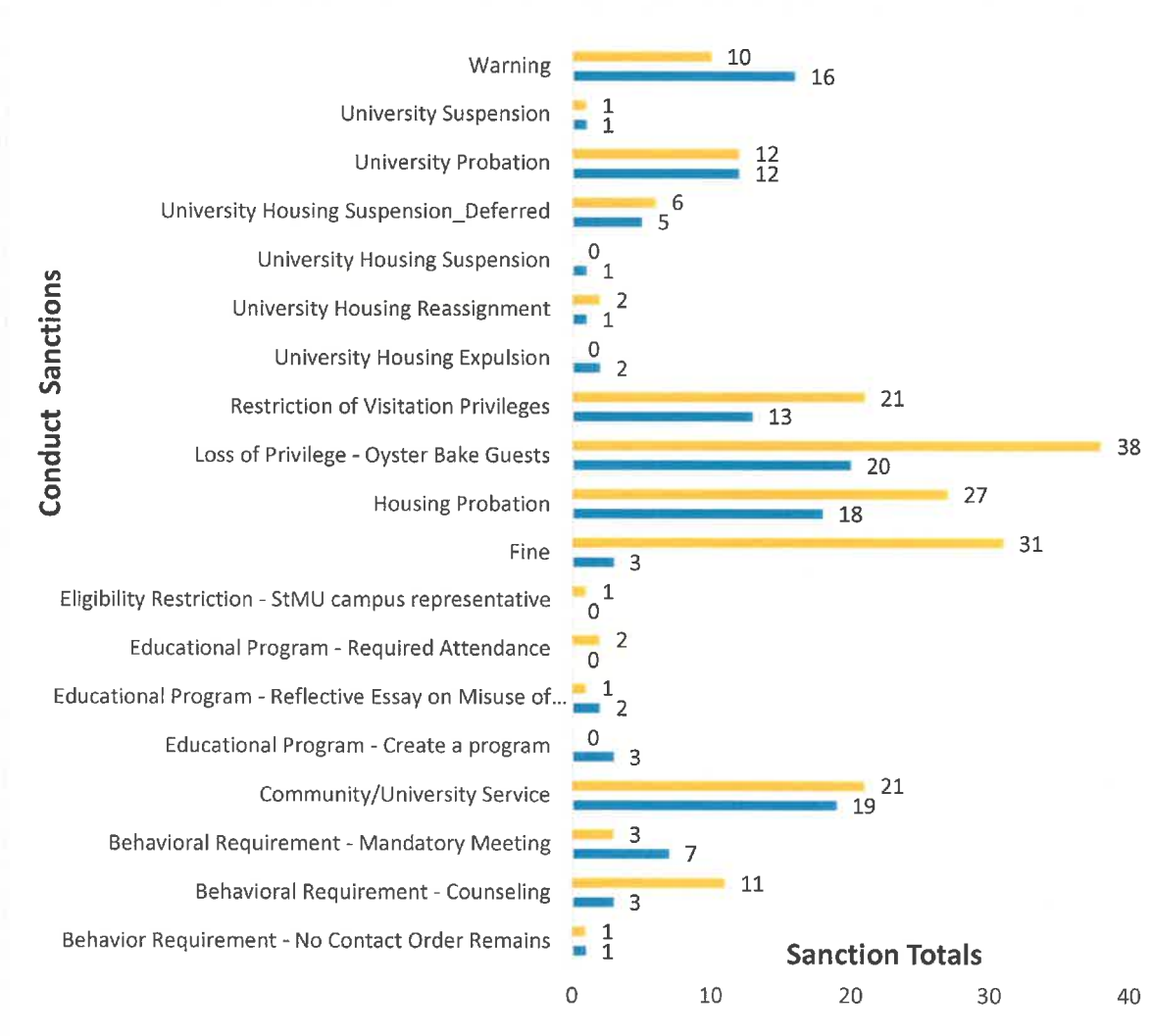
Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. This section includes the property lists off campus located on the Off Campus Property List located at the end of this document.

APPENDIX F

2018-2019 and 2019-2020 AOD Summary Sanction Statistics

■ 2018-19 Academic Year ■ 2019-20 Academic Year



APPENDIX G

StMU Drug-Free Workplace Policy

Available online at <https://www.stmarytx.edu/policies/policy/drug-free-workplace/>

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation of the University to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including dismissal, and may have legal consequences for violators of the policy.

The University recognizes that drug and alcohol dependency is an illness and a major health problem. The University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact the Office of Human Resources in order to determine community drug counseling and drug assistance programs that are available.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five days after the conviction.

APPENDIX H

StMU Alcohol Service and Sales Policy

Available online at: <https://www.stmarytx.edu/policies/policy/alcohol-service-and-sales/>

Overview

Members of the campus community and visitors at St. Mary's University are expected to comply with Texas State Law and exercise responsible behavior when consuming alcoholic beverages on campus, whether provided at an event or purchased at the Pub. Access to the Pub is limited to members of the University community, Alumni and accompanied guests.

In accordance with Texas State Law, the University does not permit persons younger than 21 years of age to purchase, possess, consume, or be served alcohol. Prior to being served, the age of persons consuming alcohol must be verified by Texas Alcoholic Beverage Commission (TABC) certified servers or University Police.

Aramark is the University's exclusive food and beverage service provider (including alcoholic beverages), and alcohol service on campus, including service at the Pub, is subject to Aramark's beer and wine license.

St. Mary's University police officers are required at all events where alcohol is served. Officer coverage is determined in consultation with the University Chief of Police and is based on the size and nature of the event. Officers scheduled for events have the authority to call in extra officers at the expense of the department or organization hosting the event if crowd size merits. Waiver of this requirement must be requested in writing and approved by the Vice President for Administration and Finance, University Chief of Police, Dean of Students (if students are attending the event) and Vice President of the area requesting the waiver. The President's approval is required for areas not reporting to a Vice President. Generally, waivers will not be approved for sponsored events which include undergraduate students.

Service may be suspended to any person who, in the judgment of the TABC certified server or the University Police is at risk for over-consumption. Persons may not leave a TABC approved service area with alcoholic beverages, and no alcoholic beverages may be brought into a TABC approved service area.

Sponsored Events Where Alcohol is served

Non-alcoholic beverages and free food must be available for the duration of the event when alcohol is served. The cost of food and non-alcoholic beverages is the responsibility of the sponsoring department.

Alcohol may not be served before 4 p.m. Monday through Friday or noon on Saturday or Sunday. Service will cease one-half hour before the end of the event or closing, subject to requirements of state law and the TABC. Alcohol may not be consumed until the event coordinator and University Police officer(s) are present and the non-alcoholic beverage and food are readily accessible to those in attendance.

All event sponsors are cautioned that the condition of the facility/area used is their sole responsibility. Sponsors will be assessed the cost of cleaning and/or repairing all damages that occur during the event unless the responsible person(s) can be identified.

Changes to service hours must be requested in writing and approved by the Vice President for Administration and Finance, University Chief of Police, Dean of Students (if students are attending the event) and Vice President of the area requesting the waiver. The President's approval is required for areas not reporting to a Vice President.

Events which permit participants to bring their own beverages require approval in writing by Aramark, the Dean of Students, the University Chief of Police and the President of the University.

Policy Compliance

Failure to comply with these or any other St. Mary's University regulations or policies may result in event cancellation or termination. Additionally, University disciplinary action may be initiated in accordance with the procedures outlined in the Code of Student Conduct (students), Personnel Manual (staff), or Faculty Handbook (faculty). Disciplinary action imposed by the University may precede and be in addition to penalties imposed by law enforcement authorities off campus.

APPENDIX I - Law School Wellness Week events

Law Wellness Week 2020

Monday, March 16

Breakfast & Blessing by Fr. Jim Tobin

What: Breakfast
When: 8:00am-10:00am
Where: Law Commons in the Law Library

San Antonio Blood Bank-Blood Drive

What: Give Blood and receive 1 pro bono hour (pro bono hour is only for blood drive donation event)
When: 9:00am-2:00pm
Where: Law Library Alumni Room

PLEASE REGISTER AT:

https://donor.southtexasblood.org/donor/schedules/drive_schedule/112702

Tuesday, March 17

Delta Pet Partners of San Antonio

What: Come de-stress and visit with doggies from our local DPP-SA
When: 10:30 to 12 Noon
Where: Law School Courtyard

Texas Lawyer Assistance Program (TLAP) Shawna Storey-Lovin & Allan DuBois, Past President - Texas Bar Association

What: "Tips for Law Students and Staying Well in the Practice of Law"
When: 12 Noon – 1:00 pm
Where: Law Library Alumni Room – Lunch will be provided

Wednesday, March 18

Chair Massages

What: Lulu Sosa, LMT, is offering de-stressing chair massages!
When: 12 Noon to 2:00pm and 5:00pm-6:00pm
Where: Law Library Alumni Room

Amy Tien-Gordon, AccessLex representative

What: "Road to Zero – A Strategic Approach to Student Loan Repayment"
When: 12 Noon – 1:00pm
Where: LC 105 - Lunch will be provided

20 minute individual financial counseling times from 1:30 to 5:00pm in LAB Atrium, Sign-up sheet posted outside of SBA office in the Commons

Thursday, March 19

Amy Tien-Gordon, Access Lex representative

What: "The Importance of Credit for Law School Students"
When: 12 Noon – 1:00pm
Where: Law Library Alumni Room - Lunch will be provided

20 minute individual financial counseling times from 9:00 am to 12 Noon in Alumni room, Sign-up sheet posted outside of SBA office in the Commons

Thursday, March 19

Paletas, Paletas, Paletas

When: 3:30pm – 5:30 pm
Where: Law School Courtyard

2019 Mental Health Awareness Week

Join the Student Bar Association (SBA) and the American Bar Law Student Division the week of October 7 for Mental Health Awareness Week activities. Come on out to boost your mental well-being and happiness.

Monday, October 7 – 8:00 – 9:30 a.m. Breakfast in the Commons, Fr. Jim and Fr. Rich will join us for a blessing.

Monday, October 7 – 12:00 p.m. Alumni Room. *“Practical Advice for Healthy Living”* with Hugo Salazar, M.D., StMU Physician. Lunch will be provided.

Tuesday, October 8 – 10:00 a.m. – 2:00 p.m. Blood Drive, Alumni Room, Counts as one (1) Pro Bono Hour

Tuesday, October 8 – 10:30 a.m. – 12:00 p.m. Law School Courtyard, Delta Pet Partners of San Antonio.

Tuesday, October 8 – 12:00 p.m., Atrium. *“Caring for Yourself by Caring for Others.”* Join 2 and 3Ls for a roundtable discussion on how giving back to your community can add balance to your life in law school. Lunch will be provided.

Wednesday, October 9 – 12:00 p.m., Alumni Room. *“What Every Law Student Should Know About Lawyers”* with Chris Ritter, TLAP & TYLA. Lunch will be provided.

Wednesday, October 9 – 1:30 – 3:30 pm and 4:00 – 6:00 p.m., Alumni Room – Chair Massages

Thursday, October 10 – 12:00 p.m., Atrium. *“Financial Planning for Law Students”* with Amy Tien-Gordon, Regional Manager AccessLex. Lunch will be provided.

Thursday, October 10 – 3:30 – 5:30 p.m. Paletas in the Law School Courtyard

These events are sponsored by the SBA and the Office of Law Student Affairs. For more information, contact ileana Velazquez at ivelazquez@stmarytx.edu.

APPENDIX J

University Police Department Community Outreach and Training Events

2018 - 2019 and 2019 - 2020 Academic Years

Spring 2018 Semester

February 15 - Meet and Greet with UPD officers (Dougherty Hall) - Met with resident hall students to develop partnerships and communications. Held a Q & A session along with a discussion of drug and alcohol awareness to include overdose, safety awareness and buddy plans, as well as promoted the campus RAD program.

June 18 - PREP Student & Parent Meeting (University Center) – Met with parents and students to discuss safety concerns and protocols for students in the program. Presentation covered University Police duties and responsibilities, campus rules and regulations, child endangerment safety awareness and how to communicate with UPD while on campus.

Summer 2018 Zaragoza Orientation and Fall 2018 Welcome Week Programs

June 11 through June 15 – Zaragoza I & II presentations – Discuss RAD, Rattler Eyes, and other campus safety and awareness programs, provided UPD contact information, and addressed concerns from parents during two Q&A sessions.

August 4 – RA Drug and Alcohol Training – Partnered with Residence Life provide annual training to current and new Resident Assistants on alcohol and drug awareness. Presentation included information about drugs and alcohol, how to recognize the signs of drug and alcohol use, and legal aspects of drug and alcohol possession in Texas.

August 9 and 10– Zaragoza III presentation – Discuss RAD, Rattler Eyes, and other campus safety and awareness programs, provided UPD contact information, and addressed concerns from parents during a Q&A session.

August 11 – Super Fun Block Party (Alkek Plaza) – Met with incoming freshmen to address alcohol concerns, including underage drinking, personal safety, and buddy plans, and drink tampering. Used Fatal Vision goggles to promote awareness of the dangers of driving while intoxicated. Discussed the RAD program for females when talking about alcohol and drug concerns.

Fall 2018 Semester

October 16 – Pong Session Meet & Greet (Founders Hall) – UPD officers met with resident students to play ping-pong, demonstrate Fatal Vision goggles, and promote safety awareness, RAD program, Buddy programs and drug and alcohol awareness.

Spring 2019 Semester

March 4 – Drug/Alcohol presentation (Founders Hall) – Partnered with Residence Life to discuss drug and alcohol awareness with resident students.

May 8 – PREP Student & Parent Meeting (University Center) – Met with parents and students to discuss safety concerns and protocols for students in the program. Presentation covered University Police duties and responsibilities, campus rules and regulations, child endangerment safety awareness and how to communicate with UPD while on campus.

Summer 2019 Zaragoza Orientation and Fall 2019 Welcome Week Programs

June 12 – USLA Safety Meeting (Soccer Field) – Met with parents, students, and staff regarding safety procedures and UPD contacts while on campus.

June 10 through 15 – Zaragoza I & II presentations – Discuss RAD, Rattler Eyes, and other campus safety and awareness programs, provided UPD contact information, and addressed concerns from parents during two Q&A sessions.

August 10 – Control Burn (Founders Hall) – Trained new RAs on how to identify marijuana by smell (burn)

August 10 – Drug and Alcohol Program (Founders Hall) – Trained new RAs on Drug/Alcohol awareness and protocols.

Fall 2019 Semester

August 12 – SET New Hire Orientation (University Center) – Advised new faculty on UPD and available programs.

September 19 – New Hire Showcase (University Center) – Meet and greet with new hires from macros campus. Provided information on all UPD programs and functions.

Spring 2020 Semester

The Fatal Vision Goggles used to simulate impaired driving were checked out three times in spring 2020 by RAs to use in their programs.

APPENDIX K

Office of Student Advocacy & Anti-Violence Education – Alcohol & Drug Prevention Programming Appendix 2018 - 2019 and 2019 - 2020 Academic Years

Education Type	Description	Dates Held	Collaborations
Info Table: Alcohol & Sexual Assault Awareness	OSAVE joined sorority Delta Zeta at an information table to provide handouts on the relationship between alcohol and sexual violence.	10/21/2019; 10/23/2019	Greek Life Delta Zeta
Bystander Intervention Workshops	The Intervene curriculum by Cornell University, includes filmed scenarios demonstrating how bystanders can help intervene in problematic situations. Seven different types of situations are addressed in the film, including an alcohol-related sexual assault, hazing, an alcohol emergency, emotional distress, and bias at a college party.	3/6/2019; 3/19/2019; 3/19/2019; 11/14/2018; 11/15/2018; 1/22/2019; 2/4/2019; 2/18/2019; 4/26/2019; 4/30/2019; 8/15/2019; 9/23/2019; 9/30/2019; 10/29/2019; 11/6/2019; 11/6/2019; 4/25/2019; 4/25/2019	Athletics Greehey Scholars Mechanical Engineering Retention Residence Life Student Accessibility Student Life Title IX Women's History Month
Clery Act Training	Provided an overview of the Jeanne Clery Act, requirements for emergency notifications and timely warnings, and which crimes are documented annually for compliance purposes.	8/15/2019	Title IX Residence Life
Consent and Sexual Assault 101	This presentation discusses consent and how Texas criminal law defines (or does not define) consent in cases of sexual violence. Specifically, the presentation addresses how alcohol and drugs impact one's ability to consent to sexual activity.	4/4/2019; 1/31/2019; 8/27/2019; 9/25/2019; 10/9/2019; 12/3/2019	Community Engagement Criminal Justice/Forensics Retention Student Life Student Accessibility Theology Dept
Staff Presentation: IACLEA-Trauma Informed Investigations	Training for judicial board members and campus police officers to teach about conducting trauma-informed campus investigations into gender-based violence.	4/1-2/2019	IACLEA Title IX University Police
Staff Presentation: RCC - Trauma Informed Investigations	Training for judicial board members and campus police officers to teach about the impact of trauma on victims' actions and memory sequencing, and how investigators can be trauma informed without being biased.	10/25/2019	Alamo Area Rape Crisis Center Title IX University Police
Rape Crisis Center Student Workshops	The Alamo Area Rape crisis center offered several presentations on prevention of gender-based violence that included discussions about the impact of alcohol and drugs on relationships.	10/24/2018; 4/24/2019; 8/25/2018; 2/28/2019; 4/10/2019	Alamo Area Rape Crisis Center Student Life Residence Life

Suicide Prevention & Healthy Relationships	This workshop presented information on the impact of alcohol, drugs, and gender-based violence on mental health among college students.	10/1/2019; 10/1/2019; 10/2/2019	Student Counseling
Virtual Training: Online U Got This - Catharsis	Incorporates compliance mandates into learning objectives and confronts attitudes and behaviors, such as unsafe alcohol and drug use, that contribute to gender-based violence.	Spring 2019; Fall 2019; Spring 2020	Dean of Students Title IX Residence Life

APPENDIX L

Student Counseling Center Drug & Alcohol Awareness Programming Information

Academic Year 2018-19

DATE	HOURS	TOPIC	ATTENDEES
8/7/2018	3.5	Behind Closed Doors	33 students/staff
8/7/2018	1.5	QPR for Retained Res Life Staff	20 students
8/7/2018	2.5	QPR for New Res Life Staff	28 students
8/10/2018	2	Real Life program for Orientation	479 students
9/19/2018	1	College Student Mental Health	9 Eng Comm & Language Faculty
9/26/2018	1.5	Self-care w/Retention Office	20 students, 1 staff
9/27/2018	1.5	Self-care w/Retention Office	9 students, 1 staff
10/9/2018	1	TLAP Services for Law Students	75 law students
10/16/2018	1	Be a Healthy Rattler Tabling Event	77 students

Academic Year 2019-20

DATE	HOURS	TOPIC	ATTENDEES
8/16/2019	1	TRIO Peer Coaches: Mental health & academic success	11 students
8/13/2019	1.5	QPR for Retained Res Life Staff	22 students
8/13/2019	2.5	QPR for New Res Life Staff	24 students
8/13/2019	3.5	Behind Closed Doors	44 students/staff
9/14/2019	1.5	TRIO Outreach on mental health YO Ranch	40 students
9/19/2019	2	Tabling: mental health & healthy relationships	13 students
9/19/2019	1.5	Suicide Prevention & healthy relationships	8 students
10/1/2019	1.5	MLP: Mental health and suicide prevention	35 students
10/1/2019	1.5	Campus: Mental health and suicide prevention	8 students
10/24/2019	1	Take Back the Night program	?
10/28/2019	1	STEM Outreach on mental health	25 students
11/5/2019	.5	RSC tutors: Mental health and academic success	15 students
11/21/2019	1	Be a Healthy Rattler Tabling Event	40 students
2/11/2020	1	Suicide risk and grief for Philosophy Dep't	6 students, 4 faculty
2/11/2020	.5	Suicide risk and grief for Philosophy Dep't	8 students, 1 faculty
2/11/2020	.5	Suicide risk and grief for Philosophy Dep't	8 students, 1 faculty
4/3/2020	1.5	Eng Comm & Arts Faculty: Mental health and academic success	8 faculty

Student Counseling Center

Program Activities Related to Drug & Alcohol Use, Abuse, & Dependence

2018-19 Academic Year

DATE	HOURS	PROGRAMMING	TOPIC	ATTENDEES
8/7/2018	3.5	Collaborative	Behind Closed Doors: Resident Advisor trainings with enactments of scenarios including drug and alcohol use and potential overdose.	33 students/staff
8/7/2018	1.5	SCC only	QPR for Retained Res Life Staff: Training for Residence Life staff related to suicide prevention, including information related to alcohol and drug use (e.g., self-medication attempts, access to means for overdose)	20 students
8/7/2018	2.5	SCC only	QPR for New Res Life Staff: Training for Residence Life staff related to suicide prevention, including information related to alcohol and drug use (e.g., self-medication attempts, access to means for overdose)	28 students
8/10/2018	2	Collaborative	Real Life program for Orientation: Play performed for all incoming students to depict scenarios involving possible negative events related to drug and alcohol use, including poor decision making, peer pressure, and sexual assault	479 students
8/15/2018	.5	SCC only	Orientation program for SCC services at Law School: Law students informed of counseling services available, including those in which primary issue is not drug/alcohol abuse and dependence issues in need of more intensive treatment. TLAP noted as additional resource for Law Student support.	230 students
9/19/2018	1	SCC only	College Student Mental Health: Training for departmental staff on faculty on how to recognize, communicate with, and refer students with suspected mental health issues, including signs of drug or alcohol use	9 Eng Comm & Language Faculty
9/26/2018	1.5	Collaborative	Self-care w/Retention Office: Outreach program to teach at-risk students the importance of self-care, including the risk of misusing drugs and/or alcohol as self-medication for anxiety, insomnia, depression and other mental health issues.	20 students, 1 staff
9/27/2018	1.5	Collaborative	Self-care w/Retention Office: Outreach program to teach at-risk students the importance of self-care, including the risk of misusing drugs and/or alcohol as self-	9 students, 1 staff

DATE	HOURS	PROGRAMMING	TOPIC	ATTENDEES
			medication for anxiety, insomnia, depression and other mental health issues.	
10/9/2018	1	Law School only (SCC staff invited)	TLAP Services for Law Students: Professional representative from TLAP provided presentation to law students and relevant staff/faculty on the support they can provide to law students who have drug or alcohol issues.	75 law students
10/16/2018	1	Collaborative	Be a Healthy Rattler Tabling Event: Tabling event in University Center to provide information about available physical and mental health services, as well as referral to SARC for more intensive drug and alcohol treatment.	77 students, 4 staff/faculty
11/7/2018	1	Law School only (SCC staff invited)	Expert speaker (Dr. Shana Hanson) on Adderall abuse at Law School	23 students, 3 staff
4/1/2019	7 CBarrie	OSAVE	Trauma Informed Sexual Assault Investigation Training	CBarrie/OSAVE program
4/1/2019	7 CBarrie	OSAVE	Trauma Informed Sexual Assault Investigation Training	CBarrie/OSAVE program

2019-2020 Academic Year

DATE	HOURS	PROGRAMMING	TOPIC	ATTENDEES
6/12/2019	1	SCC only	Consultation with Staff re: Student family members with substance abuse issues	
6/12/2019	3	Collaborative	Presentation on Compassion Fatigue for Summer of Service Volunteers	
8/16/2019	1	Collaborative	TRIO Peer Coaches: Mental health & academic success; Training on how to recognize, communicate with, and refer students with suspected mental health issues, including signs of drug or alcohol use	11 students
8/13/2019	1.5	SCC only	QPR for Retained Res Life Staff: Training for Residence Life staff related to suicide prevention, including information related to alcohol and drug use (e.g., self-medication attempts, access to means for overdose)	22 students
8/13/2019	2.5	SCC only	QPR for New Res Life Staff: Training for Residence Life staff related to suicide prevention, including information related to alcohol and drug use (e.g., self-medication attempts, access to means for overdose)	24 students
8/13/2019	3.5	Collaborative	Behind Closed Doors: Resident Advisor trainings with enactments of scenarios including drug and alcohol use and potential overdose.	44 students/staff

DATE	HOURS	PROGRAMMING	TOPIC	ATTENDEES
9/14/2019	1.5	Collaborative	TRIO Outreach on mental health YO Ranch	40 students
9/19/2019	2	Collaborative	Mental Wellbeing & Healthy Relationships: Tabling event in University Center to provide information about available physical and mental health services, as well as sexual and gender-based violence.	13 students
9/19/2019	1.5	Collaborative	Suicide Prevention & Healthy Relationships: Outreach program on anxiety, depression, suicide risk, including contributing factors such as drug and alcohol use, unhealthy relationships, and gender-based violence.	8 students
10/1/2019	1.5	Collaborative	MLP: Mental health and suicide prevention: Outreach program on anxiety, depression, suicide risk, including contributing factors such as drug and alcohol use, unhealthy relationships, and gender-based violence.	35 students
10/1/2019	1.5	Collaborative	Campus: Mental health and suicide prevention: Outreach program on anxiety, depression, suicide risk, including contributing factors such as drug and alcohol use, unhealthy relationships, and gender-based violence.	8 students
10/24/2019	1	OSAVE	Take Back the Night program	?
10/28/2019	1	SCC only	STEM Outreach on mental health: Outreach program on anxiety, depression, suicide risk/prevention and available resources for treatment.	25 students
11/5/2019	.5	SCC only	RSC tutors: Mental health and academic success: Training for peer and staff tutors to recognize possible signs of mental health issues, including learning disabilities, ADHD, and drug/alcohol abuse.	15 students
11/21/2019	1	Collaborative	Be a Healthy Rattler Tabling Event: Tabling event in University Center to provide information about available physical and mental health issues, as well as referral to SARC for more intensive drug and alcohol treatment	40 students
12/3/2019	1	SCC only	Mental Health Issues for Student Athletes: Training for Athletics staff recognize, communicate with, and refer students with suspected mental health issues, including signs of drug or alcohol use (e.g., failed drug test)	16 staff, 4 faculty
4/3/2020	1.5	SCC only	English Communication & Arts Faculty: Mental health and academic success Training on how to recognize, communicate with, and refer students with suspected mental health issues, including signs of drug or alcohol use	8 faculty

APPENDIX M
Student Counseling Center
Counseling Center Assessment of Psychological Symptoms (CCAPS)
National Comparison Data for 2018 – 2020 Biennium

CCAPS National Comparison

Ver. 2012

For CCAPS 62 Administrations from 06/01/2018 to 05/31/2019
375 Unique clients with at least 1 CCAPS 62

Subscales	Center Average Score	National Average Score	National Standard Deviation	Center Standardized Difference
Depression	1.87	1.58	0.93	0.31
Generalized Anxiety	2.08	1.60	0.92	0.53
Social Anxiety	2.06	1.81	0.95	0.27
Academic Distress	1.90	1.85	1.02	0.05
Eating Concerns	1.17	1.00	0.88	0.20
Family Distress	1.51	1.28	0.96	0.24
Hostility	1.24	1.04	0.87	0.23
Substance Use	0.63	0.76	0.87	-0.15
Distress Index	1.96	1.64	0.84	0.38

Center Average Score: The average subscale score for your center. Scores are computed from the number of administrations specified in the report header.

National Average Score: The average subscale score from current national norms.

National Standard Deviation: The standard deviation of each subscale based from current national norms.

Center Standardized Difference: This score describes the difference between your center average and the national average in standard deviations. A score of 0 represents no difference. A score of +1 or -1 indicates a difference of 1 standard deviation from the national norms. Standardized difference scores can be compared to each other.

Questions on this report should be directed to CCMH@PSU.EDU

CCAPS National Comparison

Ver. 2012

For CCAPS 62 Administrations from 06/01/2019 to 05/31/2020
369 Unique clients with at least 1 CCAPS 62

Subscales	Center Average Score	National Average Score	National Standard Deviation	Center Standardized Difference
Depression	1.91	1.58	0.93	0.35
Generalized Anxiety	2.06	1.60	0.92	0.50
Social Anxiety	2.09	1.81	0.95	0.29
Academic Distress	1.81	1.85	1.02	-0.04
Eating Concerns	1.26	1.00	0.88	0.30
Family Distress	1.56	1.28	0.96	0.29
Hostility	1.17	1.04	0.87	0.15
Substance Use	0.64	0.76	0.87	-0.14
Distress Index	1.93	1.64	0.84	0.34

Center Average Score: The average subscale score for your center. Scores are computed from the number of administrations specified in the report header.

National Average Score: The average subscale score from current national norms.

National Standard Deviation: The standard deviation of each subscale based from current national norms.

Center Standardized Difference: This score describes the difference between your center average and the national average in standard deviations. A score of 0 represents no difference. A score of +1 or -1 indicates a difference of 1 standard deviation from the national norms. Standardized difference scores can be compared to each other.

Questions on this report should be directed to CCMH@PSU.EDU

APPENDIX N

Student Counseling Center CCAPS Subscale Data

CCAPS Subscale Changes AY 18-19									
121 clients with two or more CCAPS Administrations and high baseline score									
Subscale	Baseline Avg Score	Latest Avg Score	Score Change	% Reliably Improved	% Reliably Worsened	% Below Cut	% Reliably Improved & Below Cut	% Insufficient Data	Total clients
Depression Generalized	1.13	0.56	-0.57	34	5	30	24	0	74
Anxiety	1.19	0.93	-0.26	12	3	23	10	0	88
Social Anxiety Academic	1.40	1.00	-0.40	20	3	27	17	0	41
Distress	1.16	0.34	-0.82	34	0	59	34	0	32
Eating Concerns	1.83	1.35	-0.48	32	3	39	29	0	31
Family Distress	1.37	1.02	-0.35	18	2	26	12	0	66
Hostility	1.54	0.78	-0.76	35	0	43	22	0	51
Substance Abuse	1.65	1.14	-0.51	33	11	41	22	0	27
Distress Index	1.39	0.75	-0.64	32	2	38	27	0	56
CCAPS Subscale Changes AY 19-20									
63 clients with two or more CCAPS Administrations and high baseline score									
Subscale	Baseline Avg Score	Latest Avg Score	Score Change	% Reliably Improved	% Reliably Worsened	% Below Cut	% Reliably Improved & Below Cut	% Insufficient Data	Total clients
Depression Generalized	1.10	0.71	-0.39	24	0	32	19	3	37
Anxiety	1.04	0.80	-0.24	7	0	24	7	0	45
Social Anxiety Academic	1.29	0.95	-0.34	4	0	33	4	4	24
Distress	1.13	0.93	-0.20	12	0	25	12	0	16
Eating Concerns	1.74	1.34	-0.40	20	0	33	20	0	15
Family Distress	1.47	1.10	-0.37	12	4	31	8	4	26
Hostility	1.37	0.78	-0.59	24	0	40	20	4	25
Substance Abuse	1.50	0.45	-1.05	70	0	60	60	10	10
Distress Index	1.23	0.79	-0.44	23	0	38	23	4	26

Note. Reduced N-size for AY 19-20 reflects loss of CCAPS data mid-March.

APPENDIX O


Office of Greek Life

Risk Management Compliance Training for Registered Student Organizations

Risk Management Compliance Training

A Guide to St. Mary's University
Risk Management Policies

S.B. No. 1138 & 1525 - Texas Education Code § 51.9361
(Subchapter Z, Chapter 51, Education Code, Section 51.936)
Risk Management Programs for Members and Advisors of Student Organizations



Registered Student Organization (RSO) Office
(210) 436-3726
Fax: (210) 436-3422
www.stmarys.edu

Policies in RattlerTracks

- Log onto Gateway
- Go to the Launchpad
- Select SSO Launchpad
- Select RattlerTracks
- Select the Organizations
- Search for RSO office
- Select Registered Student Organizations Office
- Scroll down to Documents
 - Risk Management - Texas State Bill 1138
 - Risk Management—SB38
 - Risk Management - Texas State Bill 1525
 - Risk Management Policies—StMU RSO

State Law requires...

"...adoption by a student organization of a risk management policy"

Risk definitions:

- The possibility of suffering harm or loss; danger
- A factor, thing, element, or course involving uncertain danger; a hazard
- to take the chance of something bad happening

Types of Risk:

	Physical	Reputational
Emotional	Financial	Facility

State Law applies to...

"...behavior at parties and other events held by a student organization"

State Law applies to...

- "...travel to a destination outside the area in which the institution is located"

Complete Travel Packet in RattlerTracks

- RSO Office → Documents

Modifications to SB1138

- SB 38
- Effective September 1, 2019
- New reporting begins January 2020
- Will be included in all new student orientations

Hazing – changes to SB1138 (new bill is SB38)

"Hazing" means 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:

(A) 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;

(B) involves -sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other 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;

Hazing – changes to SB1138 (continued)

- (C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described in Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (D) 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

Hazing - changes to SB1138 (continued)

- (E) involved coercing, as defined in Section 1.07, Penal Code, the student to consume:
 - (i) a drug; or
 - (ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

Hazing -- new SB 38

SB 38's most significant new administrative requirement:

- colleges and universities must prepare and post in a prominent location on the institution's main website a detailed report on hazing committed on or off campus by an organization registered with or recognized by the institution.
- report must include information regarding each disciplinary action taken by the institution against an organization for hazing, and each conviction of hazing by an organization, during the three years preceding the date on which the report is issued or updated.

Hazing -- new SB 38 (continued)

- The following details must be included in the report
 - name of the organization disciplined or convicted
 - date on which the incident occurred or the citation was issued;
 - date on which the institution's investigation into the incident, if any, was initiated;
- a general description of
 - the incident;
 - the violations of the institution's code of conduct or the criminal charges, as applicable;
 - the findings of the institution or court; and
 - any sanctions imposed by the institution, or any fines imposed by the court, on the organization;" and
 - the date on which the institution's disciplinary process was resolved or on which the conviction became final.

Hazing -- new SB 38 (continued)

Criminal Law Definition Changes

- The new law:
 - expands the definition of an "organization" subject to potential criminal prosecution
 - significantly expands the definition of "hazing" for purposes of criminal prosecution.
- The new definition of "organization" now specifically includes
 - "student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition."
- virtually every organization "whose members are primarily students" would be covered by the law and subject to potential criminal prosecution.

Hazing -- new SB 38 (continued)

previous definition of hazing:

- part of the burden of proof for criminal stated it "endangers the mental or physical health or safety of a student."
- was removed by new SB 38
- net impact**: expands the conduct which could constitute hazing.

new definition of hazing:

- specifically includes coercion to consume a drug or an "alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated" Amended 11/11/2019
- net impact**: expands what may constitute criminal hazing because it no longer requires "an unreasonable risk of harm" or impact on mental or physical health.

Hazing -- new SB 38 (continued)

Immunity Provisions

- modifies the existing immunity from criminal prosecution and civil liability for students who report hazing
 - student must report the incident to the dean of students or other appropriate official of the institution; and
 - report must be made before the student is contacted by the institution concerning the incident (or otherwise included in the institution's investigation of the incident); and
 - dean of students must determine that the student cooperated in good faith throughout any institutional process regarding the incident.
- immunity would not be provided to a student reporting their own act of hazing or to a student who makes a report in bad faith or with malice.

Additional Risk Management Components

Sexual Abuse and Harassment

possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use

fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device

Issues regarding persons with disabilities, including a review of applicable requirements of federal and state law, and any related policies of the institution, for providing reasonable accommodations and modification to address the needs of students with disabilities, including access to the activities of student organizations

The Clery Act

Clery Act

In the instance where an **incident or crime** occurs at a student organization event, whether on or off campus, it **MUST** be reported to a Campus Security Authority (CSA).

Clery Act – Campus Security Authority (CSA)

St. Mary's University reporting structure:

- University Police Department
- Dr. Tim Bessler, Vice Provost for Student Development/Dean of Students
- John Wickline Executive Director for Title IX and Clery Compliance
- Dr. Sheri King, Director of Student Life
- Colton Johnson, Assistant Director of Student Life
- Christine Somersett, Assistant Director of Student Life
- Student Organization Advisor

Clery Act – On-Campus Advisor

- Faculty and Staff are considered a Campus Security Authority (CSA)
 - When acting within the scope of the duties as a student organization advisor
 - CSAs are individuals on each campus who have been required to report crimes to the appropriate reporting structure
- CSAs must report
 - should an incident or crime occur at a student organizational function whether on or off-campus
 - if a student informs of an incident or crime at any location/event

Clery Act – Chapter Advisor

- Non-St. Mary's University Employees
- May not be on-campus all the time, however they have a positive influence on the growth of our student groups
- During conversations, may become aware of potential Clery violation(s), on or off campus
- Must report the incident to the proper St. Mary's University representative.

Clery Act – Off-Campus Events/Travel

- If a student organization enters into a written agreement with a third-party contractor to arrange housing or space for an organization-sponsored trip (either foreign or domestic), any incident or crime **MUST** be reported to the institution
- If the student organization campus advisor is present, as a CSA they must immediately report the incident or crime to University Police Department and Dean of Students
- If the student organization campus advisor is not present, the organization leadership must immediately report the incident or crime to their campus advisor, who will notify University Police Department and Vice Provost for Student Development

Note: An event submission on RattlerTracks and/or a Travel Packet must be completed (if the travel is over 25 miles away from St. Mary's University) and must be in place prior to the organization traveling.

Clery Act: Reportable Offenses

Murder/Non-Negligent Manslaughter	Manslaughter by Negligence	Robbery
Aggravated Assault	Burglary	Motor Vehicle Theft
Arson	Weapon Law Violations	Drug Law Violations
Liquor Law Violations	Larceny	Vandalism
Intimidation	Simple Assault	Sex Offense: Rape, Fondling, Incest, or Statutory Rape

VAWA (Violence Against Women Act) Crimes:
Domestic Violence, Dating Violence, or Stalking

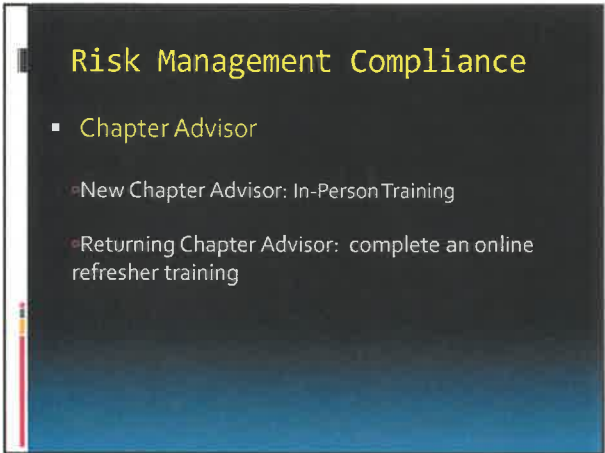
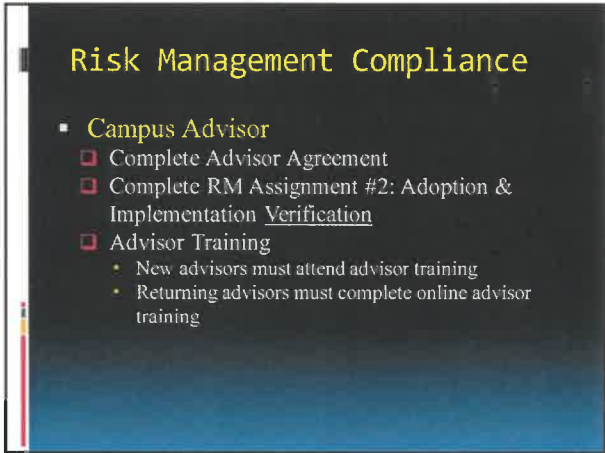
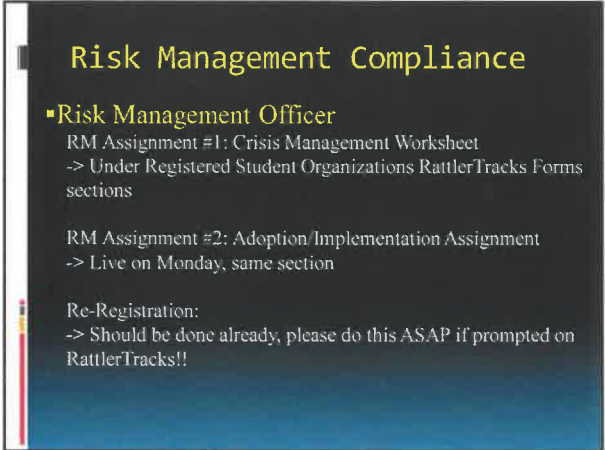
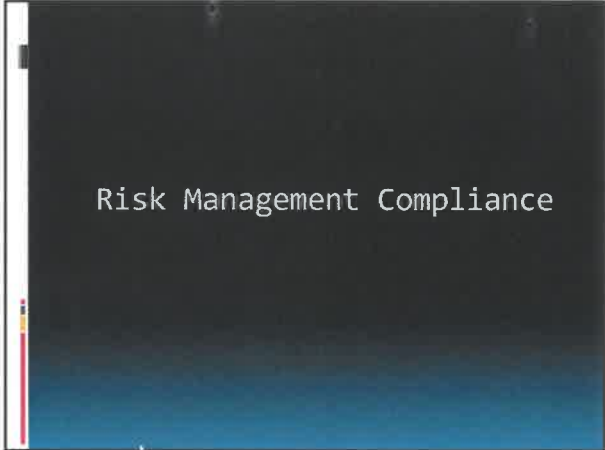
Clery Act: Reportable Offenses

Hate Crimes

- St. Mary's University is required to report statistics for hate (bias)-related crimes
- a hate or bias related crime is the commission of a criminal offense that was motivated by the offender's bias
- if you become aware of a hate crime, report the offense to the proper St. Mary's University representative

Clery Act – Organization Adjudications

- If a student organization is internally adjudicating organizational violations, and
- those violations also violate the St. Mary's University Student Code of Conduct, Texas State Law, and/or Federal Law,
→ the organization must report these incidents to the proper St. Mary's University representative.



How Officers Access Forms

- Log onto Gateway
- Go to the Launchpad
- Select SSO Launchpad
- Select RattlerTracks
- Select the Organizations
- Search for RSO office
 - Select Registered Student Organizations Office
 - Scroll down to Forms

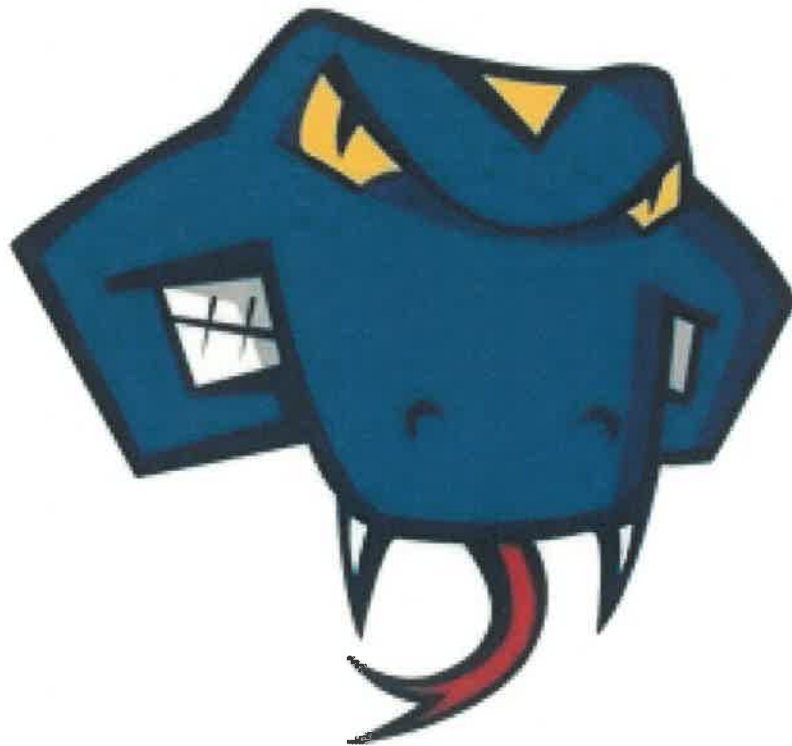
Accessing Advisor Forms

- Log onto Gateway
- Go to the Launchpad
- Select SSO Launchpad
- Select RattlerTracks
- Select the Organizations
- Search for RSO office
 - Select Registered Student Organizations Campus Advisors
 - Select Forms

APPENDIX P

StMU Athletics Drug and Alcohol Education and Testing Policies

**St. Mary's University
Athletics Department**



Drug and Alcohol Education and Testing Policies

ST. MARY'S UNIVERSITY ATHLETICS

ST. MARY'S STUDENT-ATHLETE DRUG TESTING POLICY

St. Mary's University is committed to the pursuit of excellence in intercollegiate athletics within the framework of an academic community dedicated to the University's educational and religious objectives. The University demands the unquestioned integrity of its athletics programs. As a Catholic institution of higher education, the University challenges student-athletes to develop in mind, body, and spirit, while calling them to personal integrity and responsibility.

Drug, Alcohol and Other Substance abuse, including the use of illegal or performance enhancing drugs and the abuse of prescription drugs, constitutes a threat to the physical and mental well-being of student-athletes and to the integrity of the University and intercollegiate athletics. The University's Drug, Alcohol and Other Substance Testing Program for Student-Athletes ("Program") is designed to supplement University and Department of Athletics efforts to educate student-athletes about the effects of Drug, Alcohol and Other Substance abuse on health and well-being. The Program seeks to deter and detect Drug, Alcohol and Other Substance abuse to:

- reflect the University's high expectations for student-athletes as representatives and ambassadors of the University;
- protect the health and safety of the University's student-athletes and their teammates and competitors;
- ensure that the University's athletic programs adhere to basic principles of fair play and sportsmanship; and
- provide appropriate assistance, treatment, and support to student-athletes found to have engaged in substance abuse.

Drug, Alcohol and Other Substance Testing Program Education and Counseling Program

Student-athletes who are educated about substance use in sport are more likely to make informed and intelligent decisions about usage. St. Mary's University conducts a Drug, Alcohol and Other Substance Testing Program Education Program for student-athletes on an annual basis in partnership with the Student Health and Counseling offices. These educational programs are designed to review athletic department, institutional, conference and national governing body policies related to alcohol, tobacco, street and performance-enhancement drugs, and dietary supplements. All student-athletes and athletics coaching staff members are required to attend this educational session. Makeup sessions are available for participants who must miss a scheduled educational session for an approved reason. In addition to educating student-athletes and athletics staff about the various policies, a review of the St. Mary's University Drug, Alcohol and Other Substance Testing Program (the "Program") is conducted. In addition, special educational programs may be arranged to provide participants opportunities to learn more about the dangers of specific substances.

St. Mary's University offers counseling support services at no cost to students in the Student Counseling Center. The department's mission is to support the intellectual, emotional, social and cultural development of students by offering a wide range of services, including personal and group counseling, consultation and educational services.

Scope of Program

Relationship to NCAA Testing. The National Collegiate Athletics Association ("NCAA") administers its own drug-testing program under a separate protocol. As a member of the NCAA, the University participates in the NCAA drug-testing program. Testing under the University's Program is independent of NCAA testing, but a positive NCAA drug test triggers concurrent sanctions under this Program.

"Student-Athlete" Defined. For purposes of the Program, a "student-athlete" is any student who is listed on the eligibility list form of any team sponsored on the varsity level at St. Mary's University.

Eligibility Exhausted. A student-athlete who has exhausted his or her eligibility for intercollegiate competition is not subject to testing under the Program.

Relationship to University Conduct of Student Conduct. The St. Mary's University Code of Student Conduct prohibits, among other things, the possession or use of illegal drugs, the unauthorized possession or misuse of prescription drugs, and the possession of drug paraphernalia. Like all other students at the University, student-athletes remain subject to these prohibitions and related sanctions. To avoid inequitable treatment of student-athletes in relation to other students, however, a

positive drug test under NCAA testing or this Program shall not provide the basis for or be considered in connection with disciplinary procedures for violations of the University Code of Student Conduct.

Administration of Program

Methodology

a. **Drugs and Dietary Supplements:** Each academic year, 30% of the student-athlete population (15% each academic term) will be tested pursuant to this policy. This will include no less than four (4) members of each Varsity sport sponsored at St. Mary's University to be tested annually. i. Student-athletes will be subject to four (4) testing windows, annually; two (2) testing windows will occur each fall and spring semester. During each testing window, the Program requires a min. one (1) student-athlete from each varsity team be selected for testing, in addition to, a randomized selection of four (4) individual student-athletes to participate in this testing window. Student-athletes are expected to participate if chosen to participate in multiple testing windows.

b. **Alcohol and Tobacco:** Refer to the University's "Alcohol and Other Drugs" policy for regulations and sanctions pertaining to alcohol and tobacco policy offenses. If a student-athlete is found guilty of violating this University policy, the student-athlete will be subject to the sanctions imposed by the Student Code of Conduct. On a case-by-case basis, the Director of Athletics has the discretion to impose additional sanctions, in addition to those imposed by the Code of Student Conduct, if a student-athlete is found in violation of the University's "Alcohol and Other Drugs Policy".

Drug, Alcohol and Other Substance Testing Program Testing Oversight Committee

(1) **Structure.** The Drug, Alcohol and Other Substance Testing Oversight Committee ("Committee") reports to the President and consists of five members.

(a) **Appointments.** The Director of Athletics, as the current chair, shall appoint the members of the committee. The Director of Athletics will be responsible for communicating information related to the "Program" to the President and the Vice Provost for Student Development. This committee shall be comprised of the Director of Athletics (serves as the Chair), Senior Woman Administrator, and Senior Compliance Administrator, Head Athletics Trainer and Director of Student Welfare and Integrity. In the event a committee member is the Head Coach of a student-athlete, this member will recuse himself or herself from the specific matter.

(b) **Terms.** Members shall be appointed for staggered three-year terms and may be reappointed for one or more terms. If a member no longer holds the position that qualified the member for appointment, the appointing authority shall appoint a successor. Likewise, the appointing authority shall designate an interim member to replace a member who is temporarily unable to serve.

(c) **Chair.** The President shall designate the Chair of the Committee, typically the Director of Athletics, on an annual basis. The Chair has authority to act on behalf of the Committee at his or her discretion. The Chair also has the authority to extend any deadline set forth in this Program (except for those deadlines set forth in part VII of this Program regarding Appeals) based on extraordinary circumstances.

(d) **Drug Testing Coordinator.** The Drug Testing Coordinator, typically the Head Athletic Trainer, shall support and coordinate administration of the Program under the protocol developed by the Committee.

(2) **Duties.** The Committee shall meet on an as needed basis.

(a) **Development of Drug Testing Protocol.** The Committee of this policy, informed by the best available information, on drug testing methods and practices and on drug use in intercollegiate athletics, shall: (i) determine the appropriate methods of drug testing to use; (ii) establish the frequency of random testing and the number of student-athletes to be tested; and (iii) designate teams whose student-athletes, or a random selection thereof, shall be subject to pre-participation or team testing.

(b) **Implementation of Drug Testing Protocol.** The Committee shall select a non-member University physician or

athletic trainer to serve as the Drug Testing Coordinator. In consultation with the Drug Testing Coordinator, the Committee shall identify an outside agency to perform laboratory-testing services on samples collected under this Program, and may recommend to the President that the University contract with an outside agency to assist in the administration of the Program.

(c) Evaluation of Educational Initiatives. On an annual basis, the Committee shall gather and evaluate information on University and Department of Athletics initiatives that educate students on the following issues: the dangers of substance abuse; the availability of substance abuse assistance and treatment; and the requirements and procedures of the NCAA drug-testing program and this Program.

(d) Annual Report. The Committee shall provide an annual report to the President and the Board of Trustees concerning implementation of this Program. Such report shall include the number of student-athletes tested during the past year under the NCAA drug-testing program and this Program and aggregate test results. Such report shall also include information collected on the educational initiatives and any recommendations for modification of this Program.

(e) Drug Testing Appeals Board. The Drug Testing Appeals Board ("Appeals Board") shall consist of the Faculty Athletics Representative (serves as Chair), the Vice Provost for Student Development (or his or her designee), and a member of the campus faculty/staff community. The Director of Athletics shall designate the Chair of the Appeals Board on an annual basis.

Prohibition on Use of Banned Drugs and Dietary Supplements

Prohibition on Use of Banned Drugs. All student-athletes at St. Mary's University are prohibited from using any drug belonging to any of the classes of drugs banned by the NCAA, unless a medical exception is granted pursuant to this policy for such use. The classes of banned drugs include stimulants, anabolic agents, diuretics and other masking agents, street drugs, peptide hormones and analogues, anti-estrogens, and beta-2 agonists, and any drugs chemically related to these classes.

Medical Exceptions. The NCAA recognizes that some banned substances are used for legitimate medical purposes. Accordingly, the NCAA allows exception to be made for those student-athletes with a documented medical history demonstrating the need for treatment with a banned medication. Exceptions may be granted for substances included in the following classes of banned drugs: anabolic agents*, stimulants, beta blockers, diuretics, anti-estrogens*, beta-2 agonists and peptide hormone*. No medical exception review is available for substances in the class of illicit drugs.

1. Alternative non-banned medications for the treatment of various conditions may exist and should be considered before an exception is pursued.

2. In the event that the student-athlete and the physician (in coordination with sports-medicine staff at the student-athlete's institution) agree that no appropriate alternative medication to the use of the banned substance is available, the decision may be made to use a medication that falls under an NCAA class of banned drugs. **NOTE the use of an *anabolic agent, anti-estrogen or peptide hormone must be approved by the NCAA before the student-athlete is allowed to participate in competition while taking these medications.** The institution, through its director of athletics, may request an exception for use of an anabolic agent, anti-estrogen or peptide hormone by submitting to the NCAA medical documentation from the prescribing physician supporting the diagnosis and treatment.

3. The institution should maintain documentation that supports the use of medication in the student-athlete's medical record on campus. The documentation can be a letter or copies of medical notes from the prescribing physician that documents how the diagnosis was reached, and that the student-athlete has a medical history demonstrating the need for treatment with the banned medication. The letter should contain information as to the diagnosis (including appropriate verification of the diagnosis), medical history and dosage information.

ADHD Medication: for a medical exception request for a positive test involving stimulant medication to treat ADHD, the NCAA requires the documentation be accompanied by the required form "NCAA Medical Exception Documentation Reporting Form to Support the Diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) and Treatment with Banned Stimulant Medication," located at www.ncaa.org/drugtesting

4. Unless requesting a review for the medical use of an anabolic agent or peptide hormone, a student-athlete's medical records or physicians' letters should not be sent to the NCAA unless requested by the NCAA. In addition, students are not expected to report the use of any substance(s) to the drug-testing staff at the time of an NCAA mandated drug test.

5. In the event that a student-athlete is tested by the NCAA and tests positive for a substance for which the institution desires an exception, normal procedures for reporting positive test results will be followed (See Section 8.0 of the NCAA Drug-Testing Program Protocol). The institution may request an exception at the time of notification of the positive drug test ("A" sample) by submitting documentation to Drug Free Sport. If the institution fails to provide medical documentation to Drug Free Sport before the "B" sample is reported as positive to the institution, the student-athlete will be withheld from competition until such time the documentation is received, reviewed and the medical exception granted.

6. Requests for medical exceptions will be reviewed by the medical panel of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.

7. The NCAA will inform the director of athletics regarding the outcome of the exception request. In the event that the exception is not granted, the institution may appeal this action according to Section 8.0 of the NCAA Drug-Testing Program Protocol.

Drug Classifications. Under this Program, the University distinguishes between other Substances, Street Drug: Marijuana and Street Drugs Other than Marijuana. Drugs included in, or chemically related to, all classes on the NCAA banned drugs list other than street drugs will be treated as performance-enhancing drugs.

Dietary Supplements: St. Mary's University Department of Athletics personnel will not distribute or encourage the use of any dietary supplements or ergogenic aids. Many dietary supplements or ergogenic aids contain banned substances. Oftentimes the labeling of dietary supplements is not accurate and is misleading. Terms such as "healthy" or "all natural" do not mean dietary supplements do not contain a banned substance or are safe to take. Using dietary supplements may cause positive drug tests. Student-athletes who are currently taking dietary supplements or intend to take any are required to review the product with the Head Athletic Trainer and/or their assigned staff Athletic Trainer. Student-athletes are solely responsible for any substance that they ingest. All student-athletes are encouraged to use the Drug Free Sport Resource Exchange Center (REC) to obtain current and accurate information on dietary supplements or ergogenic aids. All inquiries to the REC are confidential. The Resource Exchange Center may be accessed at www.drugfreesport.com/REC/.

Student-athletes must understand that even though the athletic training staff or Drug Free Sport has cleared any dietary supplement, the athletic training staff does not condone the use of dietary supplements and is not responsible for any supplements the student-athlete intakes. Student-athletes should also understand that they are responsible for any dietary supplements they ingest.

The NCAA does allow an institution to provide permissible substances (bars, recovery drinks, etc.) to its athletes. However, it is still the athlete's responsibility to make sure those permissible substances are acceptable and if ingested is the sole responsibility of the athlete.

Safe Harbor

(1) Safe Harbor. On one occasion during the student-athlete's eligibility for intercollegiate athletics at St. Mary's University, a student-athlete who has used the street drug Marijuana may seek safe harbor under this Program by disclosing his or her use of the street drug Marijuana to the Head Athletic trainer or Assistant Athletic Trainer. If a student-athlete discloses to an Athletics Department Staff member, under this program, this staff member (including coaches) must notify the Head Athletic Trainer within 24 hours of this student's disclosure. The safe harbor does not apply to the NCAA drug testing program.

(2) Eligibility. To be eligible for the Safe Harbor, the student-athlete must not have previously tested positive for any street drug under the NCAA drug testing program or this Program. A disclosure made after the student-athlete receives notification of a random test or after a non-random test under this Program shall not create Safe Harbor with regard to such test.

(3) Consequences of Safe Harbor Request

(a) The Athletics Department employee shall promptly notify the Drug Testing Coordinator of the safe harbor disclosure. The Drug Testing Coordinator shall arrange to have the student-athlete tested to establish a baseline for re-testing purposes. If the baseline test results in a positive test for the street drug disclosed by the student-athlete, the result shall not be treated as a positive finding. If the baseline test results in a negative test, the one-time safe harbor option is not returned to the student-athlete.

(b) A student-athlete's request for safe harbor shall not result in sanctions affecting the student-athlete's participation in team conditioning, practice, and/or competition, except that the Director of Athletics may suspend the student-athlete from conditioning, practice, and/or competition until the Director of Athletics is satisfied that the student-athlete is physically and mentally fit to resume such activities.

Program Testing for Use of Banned Drugs

A. Consent Form. The Athletics Compliance Office shall provide each student-athlete with information on this Program and the NCAA drug testing program, including forms stating that the student-athlete consents to testing under this Program and the NCAA drug testing program. Each student-athlete must sign the consent forms before he or she can participate in any countable athletically-related activity or, for members of the cheerleading squad, practice.

B. Testing Methods. The University may conduct drug testing using any medically recognized and scientifically reliable method of testing, including but not limited to urine testing and hair testing.

C. Methods of Selection. All student-athletes are subject to year-round testing, for the use of any banned drug, under a protocol established by the Committee within the following parameters:

(1) Random Testing. All student-athletes are subject to random testing. On an annual basis, the Committee shall designate the number of random testing windows and the number of student-athletes to be tested during each window, but there shall be no fewer than four (4) such windows during the year with testing of at least 8% of the student-athlete population during each window.

(2) Pre-Participation Testing. The Director of Athletics, in consultation with the "Committee" shall have the authority to designate teams subject to drug testing as part of a pre-participation physical required of all incoming student-athletes, including whether to test all incoming student-athletes on the designated team or a random sample thereof.

(3) Team Testing. The Director of Athletics, in consultation with the "Committee" shall have the authority to designate teams subject to drug testing at any time during the course of the year, including whether to test all student-athletes on the designated team or a random sample thereof.

(4) For-Cause Testing. If the Director of Athletics has a reasonable suspicion to believe that a student-athlete is using a banned drug, he or she may notify the Drug Testing Coordinator, who shall arrange to have the student-athlete tested. (See Appendix B: Best Practices for reporting Reasonable Suspicion)

(5) Probationary Testing. Following a positive finding or a safe harbor disclosure, a student-athlete shall be subject to periodic announced and unannounced testing for the duration at the discretion of the Director of Athletics, in consultation with the Drug, Alcohol and Other Substance Testing Committee.

D. Implementation of Drug Testing Protocol

(1) Notification. A student-athlete selected for testing shall be provided, in written or electronic form, the following information:

- (a) A statement of the method by which the student-athlete was selected for testing (random, pre-participation, team, for-cause, or probationary testing);
- (b) A description of the type of test to be conducted (urine, hair, and/or other);
- (c) Information on the designated test site to which the student-athlete must report for testing; and
- (d) Information on the appointed time at which, or window within which, the student-athlete must report to the designated test site.

(2) Conflict, Illness, or Injury. The Drug Testing Coordinator shall excuse a student-athlete from a drug test conducted, pursuant to this policy, and shall arrange alternative testing of the student-athlete in each of the following circumstances:

- (a) the student-athlete notifies the Drug Testing Coordinator of an academic obligation or athletic competition that conflicts with the scheduled test and the Drug Testing Coordinator verifies the conflict; and
- (b) the Drug Testing Coordinator, in his or her discretion, determines that the student-athlete has presented a compelling justification for rescheduling the test. In addition, the Drug Testing Coordinator or his or her designee may excuse a sick or injured student-athlete from the designated test site even if the student-athlete has not completed the test. In such a case, the Drug Testing Coordinator or his or her designee, before releasing the student-athlete from the site, must document appropriate arrangements for alternative testing of the student-athlete.

(3) Positive Identification. Upon arriving at the designated test site, a student-athlete shall provide valid photographic identification enabling the collection agent to positively identify him or her.

(4) Provision of Specimen. The student-athlete shall provide a specimen in accordance with the collection agent's directions. In the case of urine testing, the collection agent shall monitor the furnishing of the specimen by direct observation to ensure the integrity of the specimen. If the specimen is incomplete, the student-athlete must remain under direct observation until the student-athlete produces an adequate specimen. The student-athlete shall have the right to witness the sealing of the specimen container in accordance with collection procedures.

(5) Failure to Appear; Refusal to Submit; Failure to Cooperate; Manipulation or Tampering. Failing to appear for or refusing to submit to a scheduled drug test, failing to cooperate with the test, failing to provide an adequate specimen, manipulating or tampering with a test sample, or otherwise attempting to sabotage the collection process or to materially affect the results shall trigger a positive finding.

(6) Laboratory. All testing shall be performed by a laboratory designated by the Committee. Information on the laboratory's testing methodology shall be provided to the student-athlete at his or her request.

(7) Positive Results. The testing laboratory shall notify the Drug Testing Coordinator of any positive test. The Drug Testing Coordinator shall determine whether any medical exception is warranted under the NCAA's Medical Exception protocol. If the Drug Testing Coordinator finds that no medical exception is warranted, the Drug Testing Coordinator shall document confirmation of the positive test.

VI. Positive Finding Sanctions

A. Positive Findings

(1) *"Positive Finding" Defined.* A positive finding results from:

- (a) a test conducted and confirmed under this Program or the NCAA testing program demonstrating evidence

of the use of a banned drug, where no medical exception is granted for such use (“positive test”);

(b) a failure to appear for, refusal to submit to, failure to cooperate with, or failure to provide an adequate specimen in a drug test under this Program or the NCAA testing program; or

(c) manipulation of or tampering with a test sample or otherwise attempting to sabotage the collection process or to materially affect the results in a drug test under this Program or the NCAA testing program.

(2) *Positive Finding During Probation.* During a period of probation, a positive test for the drug for which the student-athlete previously tested positive will be treated as a positive finding if the level of the drug present in the student-athlete’s system demonstrates continued use of the banned drug.

B. Consequences of Positive Findings

(1) Notification. Within 24 hours of confirming a positive finding, the Drug Testing Coordinator shall notify the Director of Athletics.

(a) Written Confirmation; Notice of Appeal. The Drug Testing Coordinator and the Director of Athletics (or his or her designee) shall meet in person, telephonically, or by other appropriate method with the student-athlete and Head Coach, as soon as practicable, but within five business days of the Drug Testing Coordinator’s initial notification to the Director of Athletics, to discuss the positive finding and the sanctions (including any period of probation, participation sanctions, or loss of athletics eligibility) to be imposed. At this meeting or within three business days thereof, the Director of Athletics shall provide the student-athlete with written confirmation of the sanctions and notice of the student-athlete’s right to appeal under part VII of this policy.

(b) Request for Mitigating Circumstances Review. If a student-athlete can demonstrate that (a) a positive finding in testing under this Program resulted from use of a banned drug prior to the student-athlete’s initial enrollment at St. Mary’s University; or (b) a first positive finding in testing under this Program for a performance-enhancing drug resulted from unintentional use of the drug, the student-athlete should present credible evidence to such effect to the Drug Testing Coordinator to seek relief. Within three business days of receiving the evidence, the Drug Testing Coordinator shall review the evidence and determine whether the evidence is credible. Upon receipt of this request, the Drug Testing Coordinator notifies the Director of Athletics. A request to review such evidence shall stay the obligation of the Department of Athletics representative to issue the written confirmation and notice of appeal described in paragraph VI.B.1.a until the Drug Testing Coordinator and/or the Committee resolves the request.

(c) Discretionary Notification. To further the well-being of the student-athlete, the Director of Athletics, in consultation with the Vice Provost for Student Development/Dean of Student, may notify the student-athlete’s parents (or legal guardian(s)) and team personnel (such as the head coach, sport administrator, team physician, or athletic trainer) of the positive finding and sanctions. Likewise, the Director of Athletics may provide other appropriate University officials with any information necessary to further the well-being of the student-athlete or the safety of the University community.

(d) Stay of Sanctions. Any sanctions imposed under this Program shall begin to run when the timeframe for requesting an appeal under part VII expires or, if such appeal is timely requested, when the Appeals Board notifies the student-athlete of its decision. Notwithstanding this provision, the Director of Athletics may suspend the student-athlete from conditioning, practice, and/or competition during the timeframe for requesting an appeal or pending resolution of a timely requested appeal until the Director of Athletics is satisfied that the student is physically and mentally fit to resume such activities.

(2) Referral for Drug Counseling Assessment. Following a Safe Harbor disclosure or a positive drug test finding, the Drug, Alcohol and Other Substance Testing Oversight Committee shall refer the student-athlete to the Student Counseling Center for substance abuse assessment. The director of the Student Counseling Center (or designee) shall

determine the intervention that would best meet the student-athlete's needs and shall provide his or her recommendation to the student-athlete, the Drug Testing Coordinator, and, upon request, the athletic trainer or physician assigned to the student-athlete's team.

(3) Probation

(a) Duration of Probation. Following a safe harbor disclosure or a positive finding, the student-athlete shall be placed on probation for the period of time specified in Consequences for a Positive Finding .

(b) Conditions of Probation. During the period of probation, the student-athlete shall be subject to periodic announced and unannounced testing, as determined by the Director of Athletics, in consultation with Drug, Alcohol and Other Substance Testing, for any banned drug. A positive test will constitute a positive finding, except that a positive test for the drug for which the student-athlete previously tested positive (or, in the case of a safe harbor disclosure, provided a baseline) will be treated as a positive finding only if the level of the drug present in the student-athlete's system demonstrates continued use of the banned drug.

(4) Other Substances

(a) General. Upon the first positive finding for use of a Other Substances (i.e. Performance-Enhancing Drugs or Dietary Supplements), the student-athlete shall be subject to the sanctions specified in the Consequences for a Positive Finding

(b) Failed NCAA Test. If the student-athlete's positive finding is the result of a confirmed positive test in the NCAA drug-testing program, participation sanctions imposed under this Program shall run concurrently with NCAA participation sanctions.

(5) Street Drugs Other than Marijuana

(a) General. Upon the first positive finding for use of a street drug, the studentathlete shall be subject to the sanctions specified in the Consequences for a Positive Finding (See Appendix A).

(b) Failed NCAA Test. If the student-athlete's positive finding is the result of a confirmed positive test in the NCAA drug testing program, participation sanctions imposed under this Program shall run concurrently with NCAA participation sanctions.

(6) Street Drug: Marijuana

(a) General. Upon the first positive finding for use of the street drug Marijuana, the student-athlete shall be subject to the sanctions specified in the Consequences for a Positive Finding (See Appendix A).

(b) Failed NCAA Test. If the student-athlete's positive finding is the result of a confirmed positive test in the NCAA drug testing program, participation sanctions imposed under this Program shall run concurrently with NCAA participation sanctions.

(7) Aggravating Circumstances

(a) Risk to Self or Others. If, upon notification by the Drug Testing Coordinator of a positive finding, the Director of Athletics determines that the student-athlete's positive finding resulted from circumstances posing a grave risk to self or others (such as use of cocaine, heroin, or hallucinogens), the Director of Athletics may impose sanctions beyond those set forth in the schedule of sanctions, in addition to notifying appropriate University officials.

(b) Category of Subsequent Positive. Where a positive finding for use of a performance-enhancing drug precedes or follows a positive finding for use of a street drug, the Committee may impose sanctions beyond those set forth in the schedule of sanctions.

(c) Timing of Increase. The Director of Athletics, in consultation with the Director of Student Integrity and

Welfare, shall make any decision to increase sanctions within five business days of the Drug Testing Coordinator's notification of the positive finding.

(8) Mitigating Circumstances

(a) **Use Prior to Enrollment.** If the Drug Testing Coordinator has credible evidence that a positive finding resulted from the student-athlete's use of a banned drug prior to the student-athlete's initial enrollment at St. Mary's University, the Drug Testing Coordinator shall so notify the Committee. Unless the Committee determines by a preponderance of the evidence that the positive finding resulted from use of the banned drug prior to the student-athlete's initial enrollment at St. Mary's, the Department of Athletics representative shall issue the written confirmation and notice of appeal described in paragraph VI.B.1.a. If the Committee does make such a determination, it may, within its discretion, void the positive finding or reduce the sanction. Whether or not the Committee voids the positive finding, the Committee shall refer the student-athlete for drug counseling assessment and treatment. Additionally, the committee may place the student-athlete on probation for the length of time determined at the discretion of the Director of Athletics, in consultation with the Committee.

(b) **Unintentional Use of Performance-Enhancing Drug.** In the case of a first positive finding in testing under this Program for a performance-enhancing drug, if the Drug Testing Coordinator has credible evidence that the positive finding resulted from the student-athlete's unintentional use of the banned drug, such as through use of a supplement containing a banned ingredient without knowledge of the contents, the Drug Testing Coordinator shall so notify the Committee. Unless the Committee determines by a preponderance of the evidence that the positive finding resulted from the student-athlete's unintentional use of the banned drug, the Department of Athletics representative shall issue the written confirmation and notice of appeal described in paragraph VI.B.1.a. If the Committee does make such a determination, it shall suspend the one-year ban on intercollegiate competition. In the event that the Committee suspends the one-year ban on intercollegiate competition, the student-athlete may engage in practice and conditioning, but shall not compete until a negative re-test confirms that the banned drug has left the student-athlete's system. A subsequent positive finding for a performance-enhancing drug shall be treated as a second positive.

(9) **Failure to Appear; Refusal to Submit; Failure to Cooperate; Failure to Provide Adequate Specimen; Manipulation or Tampering.** For purposes of the schedule of sanctions, a failure to appear for or refusal to submit to a required drug test, a failure to cooperate with the test, a failure to provide an adequate specimen, the manipulation of or tampering with a test sample, or an attempt to sabotage the collection process or to materially affect the results will be deemed a positive finding for performance-enhancing drugs.

(10) **Application for Fifth Year of Athletics Eligibility.** A student-athlete who is banned from intercollegiate competition for a whole or part of any season as part of a sanction under this Program shall not be permitted to assert inability to compete during the ban as a basis for seeking a fifth year of athletics eligibility at St. Mary's University.

(11) **Permanent Loss of Athletics Eligibility; Termination of Grant-in-Aid.** When a student-athlete incurs a permanent loss of athletics eligibility at St. Mary's University under this Program, the student-athlete is banned from conditioning, practicing, competing, and engaging in any other participation on any intercollegiate team at St. Mary's. In addition, the University will terminate his or her grant-in-aid at the earliest point consistent with NCAA, conference, and University rules.

Appeals

A. **Grounds for Appeal.** Within five business days of receiving the written confirmation, the student-athlete, through a written submission to the Faculty Athletics Representative (Chair of the Appeals Board), may appeal a positive finding or sanction under this Program on one of the following grounds: (1) a procedural irregularity or defect materially affected the outcome of the test on which the positive finding was based; (2) a positive finding was otherwise in error, as demonstrated by compelling evidence; (3) an exercise of discretionary authority expressly conferred under this Program was arbitrary and capricious; or (4) a determination concerning use prior to a student-athlete's initial enrollment or unintentional use of a performance-enhancing drug was in error, as

demonstrated by compelling evidence.

- B. Consideration of Appeal.* The Appeals Board shall have the authority to establish the procedures, rules, and limitations under which the student-athlete may present evidence and the authority to establish other procedural elements of the appeal. The Appeals Board may require a student-athlete to undergo a drug test before making its decision. Except in cases in which the Appeals Board is awaiting the results of an additional drug test, the Appeals Board shall notify the student-athlete in writing of the disposition of the appeal within five business days of receiving the review request. In cases in which the Appeals Board is awaiting the results of an additional drug test, the Appeals Board shall notify the student-athlete in writing of the disposition of the appeal within five business days of receiving the results of the test.
- C. Remedies.* If the Appeals Board concludes that a procedural irregularity or defect materially affected the outcome of the test on which the positive finding was based or that the positive finding was otherwise in error, the Appeals Board shall set aside the positive finding. If the Appeals Board concludes that an exercise of discretionary authority expressly conferred under this Program was arbitrary and capricious, the Appeals Board shall set aside the positive finding, reduce, or set aside the sanction, as appropriate. If the Appeals Board concludes that a determination upon use of a banned drug prior to the student-athlete's initial enrollment at St. Mary's University was in error, the Appeals Board shall at a minimum refer the student-athlete for drug counseling assessment and treatment, and it may in addition void the positive finding, reduce the sanction, and/or place the student-athlete on probation for the length of time corresponding to probation for a first positive for the drug in question.

If the Appeals Board concludes that a determination on unintentional use of a performance-enhancing drug was in error, the Appeals Board shall suspend the one-year ban on competition.

- D. Finality.* Decisions of the Appeals Board are final.

APPENDIX A: CONSEQUENCES OF POSITIVE FINDING

	First Positive	Second Positive	Third Positive	Fourth Positive
Use of Street Drugs Other than Marijuana and Other Substances	No participation in, or being present for, athletically related activities for a 30-consecutive day period 20 hours of community service Self-arranged retest showing substance has left student-athlete's system Must attend Substance Abuse Counseling (as prescribed by University's counseling center)	One-year ban or permanent loss of athletics eligibility and athletically related aid at St. Mary's University 40 hours of community service Self-arranged re-test showing substance has left student-athlete's system Approved reinstatement request from Drug Test Oversight Committee	Permanent loss of athletics eligibility and athletically related aid at St. Mary's University	N/A
Use Street Drug: Marijuana	No participation in, or being Present for, athletically related Activities for a 14-consecutive day period 20 hours of community service Self-arrange re-test showing substance has left system	No participation in, or being present for, athletically related activities for a 30-consecutive day period (no less than 3 contest/dates of competition) 40 hours of community service	One-year ban or permanent loss of athletics eligibility and/or athletics aid at StMU	Permanent loss of eligibility at StMU

		Self-arrange re-test showing substance has left system		
		Approved reinstatement request from Drug Test Oversight Committee		

Alcohol and Tobacco Violations

Alcohol and Tobacco violations will be subject to the regulations governing these substances, pursuant of St. Mary's University Code of Student Conduct, conference bylaws and NCAA regulations. A student-athlete found in violation of the Alcohol and/or Tobacco policy, will be subject to consequences outlined in the Code of Student Conduct and local law. Should a student-athlete be found in violation of these policies, the Director of Athletics, in consultation with the Committee, has the discretion to impose additional sanctions.

** The Head Coach, in consultation with the Director of Athletics, can impose additional sanctions, to be served concurrently with those listed in the diagram above. The final decision to impose additional sanctions shall be at the discretion of the Director of Athletics. Coaches are prohibited from imposing any sanctions, related to violation of this policy, without consulting the Director of Athletics.*

APPENDIX B: Best Practices for Reporting Reasonable Suspicion

If a St. Mary's University Athletics Department staff member or coach has reason to believe, through observation, that a Student-athlete's appearance, behavior, and/or conduct indicates the possible use of alcohol or drugs, then the staff member or coach should proceed with a Reasonable Suspicion Form.

- **Think about the symptoms of drug or alcohol abuse** and document unusual behavior, absenteeism or tardiness, difficulty standing or walking, falling asleep during class or team activities, or a particular odor, to name a few examples.
- **When documenting, be as specific as possible.** Name the behaviors being observed and causing the reasonable suspicion. For example, Gregg came to practice this morning looking unusually fatigued. He seemed to have difficulty understanding directions given during film session, was slow to respond, and appeared very distracted when participating in the practice session. Additionally, his eyes were red and drooping, and he smelled like marijuana.
- **Have more than one staff member or coach document reasonable suspicion.** This will help create an unbiased case.

Staff members and coaches are also advised to familiarize themselves with the information below detailing common behaviors of a person possibly using or abusing alcohol and drugs:

Chronically Withdrawn: Isolated, Few/No Friends, unresponsive, crying spells

Chronically Aggressive: Unreasonable aggressive/physical behavior, rage

Oppositional Behavior: Inability to follow rules, openly defiant, vandalism

Poor Social Skills/ Bizarre Behavior: No/poor peer interaction, abnormal eating habits, talking to self, self-abuse, drug talk

Attendance: Chronic absences, frequently ill or oversleeps, headaches, frequently leaves/skips class

Rapid Mood Changes: Significant/quick and inexplicable mood change, change in academic grade patterns, shift in level of involvement/detachment

Physical Problems: Poor Balance, glassy, bloodshot eyes, smell of alcohol/drugs, sudden change in hygiene habits, sleepy/lethargic appearance

NCAA Division II Consequences for a Positive Drug Test

1. A student-athlete who tests positive for a “banned drug” other than a “street drug” shall be withheld from competition in all sports for a minimum of 365 days from the drug-test collection date and shall lose a year of eligibility. A student-athlete who tests positive for a “street drug” shall be withheld from competition for 50 percent of a season in all sports (at least the first 50 percent of all contests or dates of competition in the season following the positive test);
2. A student-athlete who tests positive has an opportunity to appeal the positive drug test.
3. A student-athlete who tests positive a second time for the use of any drug other than a “street drug” shall lose all remaining regular-season and postseason eligibility in all sports. A combination of two positive tests involving street drugs (marijuana, THC or heroin), in whatever order, will result in the loss of an additional year of eligibility
4. The penalty for missing a scheduled drug test is the same as the penalty for testing positive for the use of a banned drug other than a street drug. 5. If a student-athlete immediately transfers to a non-NCAA institution while ineligible because of a positive NCAA drug test, and competes in collegiate competition within the prescribed penalty at a non-NCAA institution, the student-athlete will be ineligible for all NCAA regular-season and postseason competition until the student-athlete does not compete in collegiate competition for the entirety of the prescribed penalty.

NCAA Drug Testing Appeals Process

If requested to do so, an institution is required to bring an appeal on behalf of a student-athlete who has a positive drug test or who violates an NCAA drug-testing protocol. The procedures for appeal are contained in Section No. 8.0 of the NCAA drug-testing protocol. The following information is provided to NCAA institutions that may be considering filing an appeal on behalf of a student-athlete.

At least three members of the Drug-Education and Drug-Testing subcommittee of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports hear appeals. The Chair of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports and other designated members of the Committee may also serve on the subcommittee to hear appeals. In the event that a member institution belonging to the same athletics conference of the appealing institution employs a member of the subcommittee, that subcommittee member will not hear the appeal.

Appeals are conducted by telephone conference arranged by The National Center for Drug Free Sport (Drug Free Sport) for the NCAA. NCAA staff, NCAA drug-testing consultants and NCAA legal counsel are normally present during the telephone conference, but do not participate in subcommittee deliberations or voting.

The subcommittee prefers not to know the identity of the institution requesting the appeal or the identities of any of the institutional representatives, the student-athlete or his/her representatives. Accordingly, during the telephone conference parties should refer to themselves only by title and should not mention the institution's name.

The institution and the student-athlete may include any party on the telephone conference they wish after reporting their names and telephone numbers to Drug Free Sport. The institution is required to include the student-athlete and the Director of Athletics. The Director of Athletics may designate a senior staff member to participate in his/her absence, subject to approval by the subcommittee chair. The head coach is recommended to be on the call. The NCAA does not restrict the grounds for an appeal, but an institution bringing an appeal must comply with the requirements set forth in Section 8.0. Appeal considerations are outlined below:

1. **Procedural Challenge:** Either the institution or student-athlete may challenge any procedure relating to the collection or testing of the subject samples. If the institution or student-athlete proves it is more likely than not that any substantiated problem with the collection or testing procedures materially affects a sample's integrity, the drug-test appeal subcommittee may find that no doping violation has occurred.
2. **Knowledge Challenge:** The student-athlete is responsible for all substances consumed. However, if the institution or the

student-athlete demonstrates that the student-athlete was not aware they had been administered (defined as placed into the student-athlete's system directly or through food or drink) a substance by another person that later is found to have contained a banned ingredient, then the drug-test appeal committee may determine that no violation has occurred. In this situation, the student-athlete must show that he or she both did not know and could not reasonably have known or suspected (even with the exercise of utmost caution) that he or she had been administered by a third party a substance that is later found to have contained a banned ingredient. Or if the institution or the student-athlete demonstrates that the student-athlete asked specific and reasonable questions about a particular substance, medication or product of the appropriate athletics administrator and the athletics administrator assured the inquiring student-athlete that the substance does not contain a banned ingredient, then the drug-test appeal committee may determine that no violation has occurred. In this situation, the student-athlete must show that he or she both did not know and could not reasonably could have known or suspected (even with the exercise of utmost caution) that the information provided by staff was erroneous. IN the case where the substance, medication or product reviewed and approved for use by the institution does contain a banned substance, this may result in an institutional violation.

3. Reduction of Penalty Based on Mitigating Factors: The following will not be considered mitigating factors in a drug test appeal: the type or amount of banned substance detected through the drug test; evidence of the student-athlete's good character; the degree of remorse demonstrated by the student-athlete; family hardship or history of family dysfunction; and the degree to which the banned substance may or may not affect athletic performance.

The drug-test appeal committee may reduce the current legislative sanction to the first 50 percent of the regular season in all sports if the season of competition has not yet begun for that student-athlete or a minimum of the equivalent of the next 50 percent of a season of competition in all sports if the student-athlete tests positive during his or her season of competition when circumstances might indicate a reduction is warranted.

For example: Where it is shown that the institution's drug education program was inadequate and such shortcomings influenced the student-athlete's judgment regarding the propriety of taking a specific product (a reduction of penalty normally will not be available in the case of admitted street drug use); or

A student-athlete's ability to discern he or she was using a banned substance was due to circumstances beyond the student-athlete's control.

4. Every attempt will be made to disseminate to the subcommittee any written materials submitted by the institution and received by Drug Free Sport regarding the appeal.
5. The institution within two business days of the confirmation of the positive drug test shall submit the request for an appeal. The institution within 45 days of the confirmation of the positive drug test must submit required documentation. At least five business days before the scheduled appeal, the institution is required to submit to Drug Free Sport a written summary describing the institution's drug-education program and the grounds for the appeal.
6. The chair of the subcommittee or designee will open the telephone conference appeal by inviting the institution and its representatives and/or the student-athlete and his/her representatives to provide orally any information they wish to have before the subcommittee. The subcommittee prefers that the student-athlete present his/her information immediately after any introductory statements made by the director of athletics. Opportunity will be given to all parties to have questions asked and answered.
7. Following the presentation by the institution and the question and answer period, the chair will ask the institution and any drug-testing consultants to leave the telephone conference and at that time the subcommittee will deliberate and render a decision. The NCAA staff will contact the director of athletics to report the subcommittee's decision as soon as possible. It is the institution's responsibility to inform the student-athlete.
8. In the event that the appeal is accepted and the student-athlete is not sanctioned, no further action regarding the student-athlete's eligibility need be taken. In the event that the subcommittee denies the appeal and imposes a sanction, the provisions of NCAA Bylaw 18.4.1.5.1 will result in either a one year loss of eligibility and being withheld from one full season of competition in all sports, or the student-athlete being withheld from the next 50 percent of the season of competition in all sports.
9. competition in all sports.