

**Administrative Council****April 20, 2020****Meeting No. 20-03**

The Administrative Council met via WebEx on Monday, April 20, 2020 at 1:30 p.m. Present were: Dr. Suzanne Shipley, Dr. James Johnston, Dr. Keith Lamb, Mr. Fred Dietz, Mr. Tony Vidmar, Mr. Barry Macha, Ms. Leigh Kidwell, Dr. David Carlston, Dr. Kristin Garrison, Ms. Dawn Fisher, Ms. Debbie Barrow, Ms. Reagan Foster, Mr. Kyle Owen, Ms. Kerdell Cuffy, and Ms. Jennifer Smith

**UPP 3-160 Expressive Activities on Campus**

General Counsel Macha presented information regarding this new policy that replaces Policy 4.148 and complies with Senate Bill 18 enacted by the 86<sup>th</sup> Texas Legislature. Following discussion, this policy was approved and will be placed on the agenda for the May meeting of the Board of Regents.

**UPP 3-450 Drug-Free Schools and Communities Act**

General Counsel Macha presented information regarding this new policy that replaces policies 4.176 and 3.316. Following discussion, this policy was approved and will be placed on the agenda for the May meeting of the Board of Regents

**Proposed Emergency Management Committee**

Dr. Lamb presented the list of members of this committee and proposed that this committee be formed as a new committee and moved out of the Risk, Safety and Emergency Managements Committee. This new committee also added a member representative from the Faculty Senate and a representative from the Student Government Association. This proposal was approved.

  
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Suzanne Shipley, Chair  
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Jennifer Smith, Secretary



## Midwestern State University

# Policies and Procedures Manual

## University Policy and Procedure (UPP)

### UPP 3-160: Expressive Activities on Campus

<b>Approval Authority:</b>	Board of Regents
<b>Policy Type:</b>	University Policy and Procedure
<b>Policy Owner:</b>	President's Office
<b>Responsible Office:</b>	General Counsel
<b>Next Scheduled Review:</b>	01/01/2020

#### I. Policy Statement

Midwestern State University ("MSU" or "University") recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. It is the policy of the State of Texas and MSU, as it pertains to as an institution of higher education, to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas by: (1) recognizing freedom of speech and assembly as central to the mission of the University; and (2) ensuring that all persons may assemble peaceably on University campuses for expressive activities, including to listen to or observe the expressive activities of others.

For purposes of this policy, expressive activities do not include commercial speech. As such, commercial activities are prohibited on University grounds without a prior written agreement with the University.

#### II. Reason for Policy

The purpose of this policy is to comply with the provisions of Section 51.9315 of the *Texas Education Code* as enacted by Senate Bill 18 by the 86th Texas Legislature (Regular Session) in 2019, and ensure the fundamental right of freedom of speech and expression on the MSU campus.

#### III. Application of Policy

This policy is applicable to MSU students, faculty, staff, and others who wish to engage in expressive activities on MSU campuses.

This policy applies to all expressive activities of any person in the University's common outdoor areas. This policy does not apply to the activities of the University itself. Individuals may engage in expressive activities without prior reservation, registration, or

approval, provided such activities are conducted pursuant to applicable law as well as University policy.

#### IV. Definitions

**Benefit** – Includes:

- (1) recognition by or registration with an institution of higher education;
- (2) the use of an institution of higher education's facilities for meetings or speaking purposes;
- (3) the use of channels of communication controlled by an institution of higher education; and
- (4) funding sources made generally available to student organizations at an institution of higher education.

**Common Outdoor Area** – Means outdoor space that is operated and either owned or leased by the University and not used for dedicated University business or an event, an educational function, or a research function on a permanent or semi-permanent basis. It does not include University structures or the surfaces associated with or connected to University buildings.

**Event** – Means something that occurs in a certain place during a particular interval of time; events include but are not limited to human speakers, performances, exhibits, tables, distribution of literature, signs, and public assemblies.

**Expressive Activities** – Means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

**Institution of Higher Education** – Has the meaning assigned by Section 61.003 of the *Texas Education Code*. MSU is an institution of higher education.

**Student Organization** – Includes any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

#### V. Procedures and Responsibilities

##### A. Common Outdoor Areas

1. The University's common outdoor areas are deemed traditional public forums.
2. Any person is permitted to freely engage in expressive activities in the common outdoor areas of the University's campus as long as the person's conduct:
  - a. is not unlawful; or
  - b. does not materially and substantially disrupt the normal operations of the University's campus.
3. Notwithstanding Subsection V.A.1 and 2, MSU reserves the right to impose reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the University's campus and those restrictions must:
  - a. be narrowly tailored to serve a significant University interest;

- b. employ clear, published, content-neutral, and viewpoint-neutral criteria;
  - c. provide for ample alternative means of expression; and
  - d. allow members of the University community to assemble or distribute written material without a permit or other permission from the University.
4. Groups or individuals engaging in materially and substantially disruptive activities in common outdoor areas, or those failing to comply with applicable laws or University policy, may face immediate removal from University premises and/or other appropriate actions by University officials, including University police.
  5. Groups or individuals are responsible for any damages and harm to persons and property that arise from expressive activities in common outdoor areas.
  6. Expressive activities on the University campus do not imply endorsement by the University.
  7. Subsections V.A.1, 2, and 3 do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom.

**B. Reservation of Common Outdoor Areas.**

1. Use of common outdoor areas for expressive activities does not require advance registration or reservation with the University. However, advance registration and reservation is recommended to ensure the availability of common outdoor area(s) of interest to the individual or group seeking to engage in expressive activities. If an area of the University's common outdoor areas has been reserved, the reserving individual or group shall be given priority for use of such area.
  - a. Advance registration and reservation requests for common outdoor areas on the University campus shall be submitted to the Clark Student Center.
  - b. The recommended advance notice for submitting a registration and reservation request is two weeks.

**C. Reasonable Time, Place, and Manner Restrictions**

1. The following reasonable time, place, and manner restrictions are applicable to expressive activities in University common outdoor areas:
  - a. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.
  - b. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
  - c. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities and offices are prohibited. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the exterior perimeter of all University buildings.
  - d. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
  - e. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.
  - f. Activities that result in damage or destruction of University property are

prohibited. Nothing may be affixed to or written on University property or grounds.

- g. Activities that inherently lose First Amendment protection are prohibited.
  - h. Activities involving the possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to poles, clubs, swords, shields, rigid signs that can be used as a weapon or shield, or other objects that can be construed as weapons as covered within the MSU Student Code of Conduct, are prohibited unless authorized by federal, State or local laws.
  - i. Activities characterized by the use of a mask, facial covering, or disguise to conceal the identity of the wearer in a calculated fashion to obstruct the enforcement of the law or University policy, or to intimidate, hinder or interrupt a University official or police officer in the lawful performance of their duties, are prohibited.
  - j. Expressive signage, posters, displays, or structures (herein "displays") must be hand-held, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
  - k. Any person or organization distributing literature on campus as part of an expressive activity will pick up all copies dropped on the ground in the common outdoor area where the literature was distributed prior to vacating the area.
  - l. Amplified sound devices must be hand-held. Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to special rules on amplified sound, but are subject to general rules on disruption.
  - m. No open flames are permitted on the University campus without the express written permission of the University.
  - n. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
2. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
  3. The University's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
  4. The University reserves the right to relocate, limit, or prohibit individuals or groups engaged in expressive activities in University common outdoor areas based on reasonable time, place, and manner restrictions.

**D. Students' and Employees' Rights and Responsibilities Regarding Expressive Activities on Campus**

1. Any person, subject to Subsection V.C, shall be allowed to engage in

expressive activities on campus, including by responding to the expressive activities of others.

2. Student organizations and faculty are allowed to, subject to Subsections V.C and V.F, invite speakers to speak on campus.
3. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable University Student Code of Conduct, Student Handbook, University Catalog, or University operating policies and procedures.
4. Violation of this policy may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.
5. Grievances concerning an alleged violation of this policy will be processed in accordance with University policies and procedures.

**E. Prohibited Actions by University Against a Student Organization**

1. The University may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

**F. Speaker Fees and Approvals**

1. University student organizations and faculty have the right to invite speakers to speak on campus. When reviewing and determining whether to approve a speaker to speak on campus, or in determining the amount of a fee to be charged for use of the University's facilities, for purposes of engaging in expressive activities, the University will not consider any anticipated controversy related to the event. The University will consider content-neutral and viewpoint neutral criteria related to the needs of the event including, but not limited to:
  - a. the proposed venue and the expected size of the audience;
  - b. any anticipated needs for security;
  - c. any other necessary accommodations the University deems necessary for the event; and
  - d. any relevant history of compliance or noncompliance with University policies by the speaker and/or the requestor.

**G. Publication of MSU UPP 3-160**

1. MSU UPP 3-160 is required to be made available to students enrolled at and employees of the University by:
  - a. including the policy in the University's student handbook and personnel handbook;
  - b. providing a copy of the policy to students during the University's freshman or transfer student orientation; and
  - c. posting the policy on the University's Internet website.

[NOTE: PER SUBSECTION (k) OF SECTION 1 OF S.B. 18, MSU IS REQUIRED NOT LATER THAN DECEMBER 1, 2020 TO PREPARE, POST ON THE UNIVERSITY'S WEBSITE, AND SUBMIT TO THE GOVERNOR AND THE MEMBERS OF THE LEGISLATURE, A REPORT REGARDING THE UNIVERSITY'S IMPLEMENTATION OF THE REQUIREMENTS UNDER SECTION 2 OF S.B. 18. AND PER SECTION 3 OF S.B. 18, NOT LATER THAN AUGUST 1, 2020, EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IS REQUIRED TO ADOPT THE POLICY REQUIRED UNDER SECTION 51.9315 (f), EDUCATION CODE (SEE SUBSECTION V.D OF MSU UPP 3-160), AS ADDED BY S.B. 18.]

**VI. Related Constitutional Provisions, Statutes, Rules, Policies, Forms, and Websites**

Related Constitutional Provisions/Statutes/Rules:

First Amendment to the United States Constitution

Texas Constitution, Article I, Section 8

*Texas Education Code*, Chapter 51, Subchapter Z, Section 51.9315

Related Policies:

Related Forms:

**VII. Responsible Office(s)**

Office of the General Counsel

Phone: (940) 397-6225

E-mail: [barry.macha@msutexas.edu](mailto:barry.macha@msutexas.edu)

**VIII. History**

11/10/1989: Adopted and approved by the Board of Regents as MSU Policy and Procedure 4.148 - Off-Campus Speakers.

--/20--: Revised to comply with Senate Bill 18 enacted by the 86<sup>th</sup> Texas Legislature (Regular Session) in 2019 and renamed and renumbered as MSU University Policy and Procedure (UPP) 3-160: Expressive Activities on Campus.

**4.148 President's Office****~~OFF-CAMPUS SPEAKERS~~****~~Date Adopted/Most Recent Revision: 11/10/89~~****~~A. General~~**

~~The Board of Regents of MSU respects the rights of faculty and the student body of MSU to have full freedom in the discussion and presentation of all information on issues. This includes the right to invite off-campus speakers whose ideas and views differ from those of the Board, its individual members, or the President of Midwestern State University. It is the policy of the Board that the facilities of this institution, which were paid for by the taxpayers of Texas from their earnings in our society based on law and order, be not made available to any person or persons who by reason of their prior expressions or past actions would likely use the invitation to advocate lawlessness and disregard for the laws of this country; change in the laws of this country, other than by means provided within the constitution and the laws of the United States and the various States; and the violent overthrow of the government.~~

**~~B. Controversial Speakers~~**

- ~~1. In the case of highly controversial speakers, announcements should be made at least thirty (30) days prior to appearance so that faculty might have the opportunity to discuss issues with the students. Also, speakers shall not be presented unless they consent to interrogation (no heckling) by students and faculty following their presentation.~~
- ~~2. Every precaution should be taken to maintain the highest level of excellence and good taste in such matters commensurate with the dignity of an institution of higher education.~~





**Midwestern State University**

## **Policies and Procedures Manual**

### **University Policy and Procedure (UPP)**

#### **UPP 3-450: Drug-Free Schools and Communities Act**

<b>Approval Authority:</b>	Board of Regents
<b>Policy Type:</b>	University Policy and Procedure
<b>Policy Owners:</b>	Vice President for Student Affairs Vice President for Administration and Finance
<b>Responsible Offices:</b>	Associate Vice President for Student Affairs Director of Human Resources
<b>Next Scheduled Review:</b>	08/01/2021

#### **I. Policy Statement**

It is the policy of Midwestern State University (“MSU” or “University”) to prohibit the unlawful possession, use, or distribution of alcohol and illicit drugs by employees and students on University property or as a part of any officially sponsored University activity.

#### **II. Reason for Policy**

The purpose of this policy is to ensure understanding and standardized procedures in compliance with the provisions of the Drug-Free Schools and Communities Act, as amended, Public Law 101-226 (“DFSCA”).

#### **III. Application of Policy**

This policy applies to all University students and employees.

#### **IV. Definitions (specific to this policy)**

For purposes of this policy:

**DAAPP** – Drug and Alcohol Abuse Prevention Program.

**Employee** – an individual receiving salary, wages, other compensation and/or stipend support from the University.

**Illicit Drugs** – substances that either stimulate or inhibit the central nervous system or cause hallucinogenic effects to the effect that their use has been prohibited globally.

**Illicit Drug Use** – the use, manufacture, sale, distribution, dispensation, or possession of illegal drugs and the abuse of other drugs and alcohol.

**Student** – an individual registered or enrolled for credit in a course or program offered by the University.

## V. Procedures and Responsibilities

- A. The DFSCA requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the possession, use, or distribution of illicit drugs and the abuse of alcohol by students and employees. In addition to meeting the requirements of the federal law, MSU also intends that this policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus community. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, assessment, and referral.
- B. The University will annually distribute to each employee and to each student enrolled in one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, the following:
  1. standards of conduct that clearly prohibit the unlawful possession, use, or distribution of alcohol and illicit drugs by faculty, staff, and students on University property or as part of any officially sponsored University activities;
  2. a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
  3. a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
  4. a description of the drug and alcohol prevention, counseling, intervention, education, assessment, and referral, or re-entry programs available to faculty, staff, and/or students; and,
  5. a clear statement that the institution will impose sanctions on faculty, staff, and/or students (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct enumerated in the DAAPP.
- C. The University will conduct a biennial review of the MSU DAAPP to determine its effectiveness and implement any changes to the program(s), if they are needed, determine the number of drug and alcohol related violations and fatalities, determine the number and type of sanctions that are imposed, and ensure that sanctions imposed are consistently enforced.
- D. This policy is in addition to, and not in lieu of, any other University policy.
- E. Violations: MSU reserves the right to take disciplinary action against faculty, staff, or students for violations under this or other applicable policies of the University.

1. Penalties for violation of this policy range shall be consistent with University policies and procedures, and may range from mandatory participation in university-approved drug and alcohol abuse counseling and rehabilitation programs to dismissal or separation from the University.
2. After consultation with appropriate personnel, supervisors of an employee found responsible for a violation of this policy may recommend an option of University-approved drug counseling and rehabilitation in lieu of or in addition to the specified sanctions consistent with University policies and procedures.
3. In addition to any penalty resulting from violation of this policy, the University may also refer any evidence of illegal activities by any faculty, staff, or students to the proper authorities for review and potential prosecution. Such referrals will be made through the Office of the President, Office of the Provost and Vice President for Academic Affairs, Office of the General Counsel, Human Resources Department, Office of Student Affairs, Dean of Students Office, and/or the Office of Student Rights and Responsibilities.
4. Procedures for addressing alleged violations of this policy include the following:
  - a. Faculty: If the alleged offender is a faculty member, the supervisor (usually the department chair) shall initially recommend to the dean and, thereafter, to the Provost and Vice President for Academic Affairs, any appropriate sanctions in a manner consistent with University policies and procedures.
  - b. Staff: If the alleged offender is a staff member, procedures outlined in University Policy 3.228 (Staff Employee Disciplinary Procedures) and Policy 3.216 (Termination and Discharge) shall be followed.
  - c. Student: If the alleged offender is a student, the disciplinary procedures outlined in the University Student Handbook and Code of Student Conduct shall be followed. If a student found in violation of this policy is also a student employee of the University, additional sanctions may include termination or conditions of employment.
5. In any case for addressing an alleged violation, all due process procedures will be followed.

## **VI. Related Constitutional Provisions, Statutes, Rules, Policies, Forms, and Websites**

### Related Statutes/Rules:

Drug-Free Schools and Communities Act, as amended, Public Law 101-226  
34 C.F.R. Pt. 86, *Drug and Alcohol Abuse Prevention*

### Related University Policies and Procedures:

Midwestern State University Student Handbook  
Policy 3.124 Dismissal of Tenured Faculty for Cause  
Policy 3.125 Faculty Due Process  
Policy 3.143 Faculty Grievance Procedures

Policy 3.216 Staff Termination/Discharge  
Policy 3.218 Grievance Procedures for Non-Teaching Employees  
Policy 3.228 Staff Employee Disciplinary Procedures  
UPP 5-140: Alcoholic Beverages [formerly Policy 4.112]

## VII. Responsible Offices

Contact: Associate Vice President for Student Affairs  
Phone: 940-397-7400  
E-mail: student.affairs@msutexas.edu

Contact: Human Resources Director  
Phone: 940-397-4221  
E-mail: human.resources@msutexas.edu

## VIII. History

- 05/12/1995: Board of Regents adopted and approved MSU Policy and Procedure 4.176 – Drug Free Schools and Campuses Drug Prevention Program.
- 05/11/2012: Board of Regents adopted and approved MSU Policy and Procedure 3.316 – Drug and Alcohol Free Workplace.
- /--/20--: Board of Regents revised and consolidated the policies into University Policy and Procedure (UPP) 3-450: Drug-Free Schools and Communities Act to remove unnecessary items within the policy as recommended by internal audit and external consultation on University compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 and Drug-Free Schools and Communities Act, as amended, of 1989.

**3.316 Human Resources****DRUG AND ALCOHOL FREE WORKPLACE**

Date Adopted/Most Recent Revision: 06/11/2012

Recognizing that drug and alcohol abuse poses a threat to the safety, health, and well-being of its employees, ~~Midwestern State University is committed to providing a drug and alcohol free work environment.~~

**A. Policy**

~~It is the policy of Midwestern State University that any unlawful manufacture, possession, delivery, or use of a controlled substance or illegal drug, including a prescription drug without a valid prescription, by an employee on university-controlled premises, is prohibited. The purchase, consumption and possession of alcoholic beverages on university property shall in all respects comply with state law and MSU policy. Observance of this policy regarding illegal drugs and alcoholic beverages is a condition of employment for all university employees.~~

**B. Reporting for Work in Unfit Condition Prohibited**

~~With the exception of responsible consumption at official university social functions, employees may not consume or possess alcoholic beverages while on active duty and are prohibited from working while intoxicated. An employee who uses illegal drugs or alcohol while on active duty or who reports for work in a condition unfit to work and under the influence of drugs or alcohol, will not be permitted to work and will be subject to disciplinary action.~~

**C. Employee Discipline**

~~Employees found to be in violation of this policy will be subject to disciplinary penalties that range from mandatory counseling to immediate termination. Continued employment or re-employment may also be contingent upon participation in or successful completion of a university-approved drug/alcohol counseling and rehabilitation program.~~

**D. Payment of State Funds**

~~No money appropriated by the state shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty. No funds appropriated by the state for travel expenses may be expended for alcoholic beverages. (TX Govt. Code, 2113.012, Use of Alcoholic Beverages)~~

**E. Violations of Criminal Statutes**

~~Employees who are convicted of any violation of a criminal drug statute occurring in the workplace must notify his/her immediate supervisor no later than five (5) days after the conviction, upon which status of employment will be reviewed. Failure to do so will result in immediate termination if this information is otherwise made known to the university in the absence of such disclosure (in compliance with Drug-Free Workplace Act of 1988)~~

~~(Also see Policy 4.176, Drug-Free Schools and Campuses Drug Prevention Program and Policy 4.112, Alcoholic Beverages.)~~

**4.176 Student Affairs & Enrollment Management**  
**DRUG-FREE SCHOOLS AND CAMPUSES DRUG PREVENTION PROGRAM**  
 Date Adopted/Most Recent Revision: 5/12/95

**A.—General**

In accordance with Drug Free Schools and Campuses Drug Prevention Program Certification, MSU has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as part of any of its activities. MSU recognizes the importance of information about drug and alcohol abuse. Therefore, provided here for the benefit of each student and employee, are standards of conduct, and legal and disciplinary sanctions for unlawful possession or distribution of illicit drugs and alcohol abuse.

**B.—Counseling**

Drug and alcohol abuse counseling and referral are available in the MSU Counseling Center. Additional information both on the effects of specific drugs and alcohol and drug counseling resources in Wichita Falls and surrounding areas are available in the Counseling Center, the Dean of Students Office and the Vinson Health Center.

**C.—Legal Sanctions**

1. Students or employees found in violation of any university rule or any local, state or federal law regarding the use, possession or distribution of alcohol or other drugs (as defined by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act; and the Texas Alcoholic Beverage Code, Chapter 1) will be subject to legal penalty in addition to any appropriate university personnel or disciplinary action. Additional information for students about the university disciplinary process is available in the Student Handbook. The most common state law violations and their consequences are:

Alcohol	Type of Offense	Penalty
Consumption or possession by a minor (Secs. 106.04 and 106.05)	<u>Misdemeanor</u>	
	1st Violation	\$25 to \$200 fine
	2nd Violation	Not less than \$500 but not more than \$1,000
Purchasing for or furnishing alcohol to a minor (Sec 106.06)	Misdemeanor	\$100 to \$500 fine
Public Intoxication (Texas Penal Code, Sec. 49.02)	Class C Misdemeanor	Up to \$500.00 fine
Drug Possession	Varies According to the placement of the drug on schedules	Up to \$10,000 fine and 5-99 years in prison

2.—

3. ~~Penalties for drug possession are governed by the Texas Health and Safety Code, Chapter 481, Texas Controlled substances Act. Specific penalties may vary depending on the type and amount of drug.~~

#### ~~D. Disciplinary Process/Responses~~

1. ~~All students and employees are expected and required to obey the law, to comply with Midwestern State University institutional rules and directives issued by an MSU administrative official in the course of his/her authorized duties. Any student or employee who engages in conduct that is prohibited by MSU rules or by federal, state, or local law is subject to either discipline or appropriate personnel action.~~
2. ~~Guidelines and procedures regarding the MSU judicial system and disciplinary sanctions are included in the *MSU Student Handbook*.~~

#### ~~E. Health Risks~~

~~Drug and alcohol use, misuse, and abuse are complex behaviors with many determinants at both the cultural and the individual levels. Awareness of the deleterious effects of any drug/alcohol is imperative for an individual's well-being and survival.~~

#### ~~F. Negative Consequences~~

~~Negative consequences of drug and alcohol abuse may be exhibited through:~~

1. ~~**Physical Dependence**(the body's learned requirement of a drug for functioning). Abuse of any drug or alcohol whether licit or illicit may result in marginal to marked and temporary to permanent physical and/or psychological damage, even death. Since many of the illicit drugs are manufactured and sold illegally, their content varies and may contain especially harmful ingredients or amounts.~~

~~**Psychological Dependence** (the experience of persistent craving for the drug and/or a feeling that the drug or alcohol is a requirement for functioning).~~

- a. ~~Regardless of the type of drug or alcohol utilized, a perceived need for the continued use is likely to ensue, resulting in dependence.~~
- b. ~~Dependence on drugs and /or alcohol alters the user's psychological functioning. The acquisition of drugs and alcohol becomes the primary focus of the drug dependent individual and often results in reduced job performance, and jeopardized family and other interpersonal relationships. Criminal behavior is frequently the means for financing a drug habit. Behavior patterns often include violence and assault as the individual becomes increasingly drug/alcohol dependent. Social and psychological alienation and medical problems increase as the abuser becomes entrapped in drug/alcohol dependence.~~