

<b>UT Health Science Center: SA116 Student Substance Use Policy</b>	
<b>Version 1</b>	<b>Publication Date: 05/27/2022</b>

<b>No./Title:</b> SA116 – STUDENT SUBSTANCE ABUSE POLICY	<b>Resp. Office:</b> STUDENT AFFAIRS <b>Approval Body:</b> CASA	<b>Effective Date:</b> 04/02/2013
<b>Category:</b> Students	<b>Last Review:</b> 10/22/2019	<b>Next Review:</b> 10/22/2022
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<b>Related Policies:</b>	<ul style="list-style-type: none"> <li>Adapted from <a href="#">University Policy: HR0720: Drug Free Campus and Workplace</a></li> <li><a href="#">CenterScope</a></li> </ul>	

## INTRODUCTION

UTHSC recognizes that drug abuse is a preventable and treatable condition and acknowledges that, as an institution dedicated to healing, the institution has the responsibility to facilitate prevention activities and provide information regarding treatment options to students who are affected by alcohol and other drug abuse issues. UTHSC strongly encourages all students with drug and/or alcohol abuse problems to seek help voluntarily and favors the earliest possible intervention. UTHSC will make treatment and referral services available to students upon their request.

## POLICY

It is the policy of the University of Tennessee Health Science Center to maintain a safe and healthy environment for its students, patients, faculty and staff. Therefore, the University prohibits being under the influence of, or the unlawful use, manufacture, possession, sale, distribution or dispensing of drugs or drug paraphernalia (“controlled substances” as defined in the Controlled Substances Act, 21, U.S.C. 812), or alcohol on university property or during university activities, including off-campus clinical training and rotation sites. Individuals who engage in illegal activity or the improper or illegal use of alcohol and drugs are harmful to themselves, the University’s mission, the wellbeing of other students, and, most importantly, patient safety during clinical training.

## DEFINITIONS

**Drug Test:** A drug test, conducted by an off-campus HHS certified commercial vendor that has a contract with UTHSC, evaluates a student’s body sample for a drug or panel of drugs that may include, but is not limited to, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, meperidine, methadone, oxycodone, opiates, phencyclidine, propoxyphene, alcohol, or metabolites.

**Negative Dilute:** A drug test result in which the specific gravity or the concentration of creatinine in the student’s urine sample indicates that the sample was more dilute than normal,

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i.e. outside of normal range. This usually occurs when a subject consumes large quantities of water or adds liquids to the urine sample. It may be an unintended or deliberate attempt to manipulate the urine drug level.

**Peer Assistance Program:** State Health Board recognized program that performs assessment, consultation, referral, and monitoring for impairment due to drug or alcohol use, psychological, or physiological conditions.

**Positive Drug Screen:** When the levels measured in the sample exceed the threshold established by HHS and State law, and after review by the Medical Review Officer (MRO), is reported to the college by the testing company as a confirmed positive.

**Reasonable Suspicion:** "Reasonable Suspicion" exists when a student exhibits observable patterns of behavior, or there are credible reports that suggest impairment from drug or alcohol use. A student may be required to take a drug and/or alcohol test if faculty or college officials have reasonable cause to believe that the student's faculties are impaired while engaged in education programs due to drug or alcohol use, or post-accident/incident, or upon receipt of information of tampering with a prior drug test. Although Reasonable Suspicion does not require absolute certainty, mere 'hunches' are insufficient.

**Self-Referral:** A student self-refers when they seek assistance or treatment for substance use or abuse before there are grounds for disciplinary sanctions such as a positive drug screen or reasonable suspicion of substance use. Self-referral status is contingent on student immediately entering a recommended program for substance use that has been pre-approved by the student's college and SASSI, and/or a state healthcare board, and that the student maintains full compliance in the treatment program.

**Substances:** Agents that may cause physical or mental impairment. Alcohol and medications are included as substances if their use, overuse, and/or abuse causes impairment.

## PROCESS

The following graphic outlines the process for responding to student substance use in cases where the student self-refers in comparison to when the student does not self-refer and screens positive for substance use.

	Student Self-Referral	Positive Drug Screen
Notification Pathway	Referral via CARE Portal	Referral via CARE Portal
Notified Parties	CARE Navigator and College	CARE Navigator, College, and Student Conduct
Student Conduct	<u>No</u> Student Conduct Referral	Student Conduct Referral Initiated*

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Evaluation	Student referred for evaluation by Peer Assistance Program or authorized provider	Student referred for evaluation by Peer Assistance Program or authorized provider
Treatment and Limitations	Treatment plan as recommended by evaluator	Treatment plan as recommended by evaluator
Aftercare	Coordinated by SASSI CARE Navigator	Coordinated by SASSI CARE Navigator

\*See student conduct process outlined in CenterScope <http://www.uthsc.edu/centerscope/>

### STUDENT SELF-REFERRAL REQUIREMENTS

Students who voluntarily self-identify as substance abusers will receive support and referral for treatment and resources. Students will not have student conduct proceedings initiated, provided:

- a) This self-identification occurs prior to any incident that is grounds for conduct sanctions under institutional policy.
- b) The student immediately enters a recommended program for drug or alcohol abuse approved by the student's college and SASSI, and/or state healthcare board.
- c) The student's conduct and academic performance meet academic program expectations, the academic program Technical Standards, and the UTHSC Student Code of Conduct.

### DRUG TESTING

Students may be subject to drug testing:

- a) As part of pre-enrollment or pre-clinical assignment
- b) If there is reasonable suspicion (see Attachments A, B, and C)
- c) Random, if recommended by the peer assistance program or another authorized provider (see Random Drug Testing Procedures below).
- d) As required by a clinical site or program

At the time of testing, students are required to disclose their full medical history, including any medications taken, and any ongoing health concerns to the approved testing provider.

### Drug Test Result Interpretation

If the drug test results in any of the outcomes listed below, the test will be treated as a positive drug screen.

- a) Receives a positive drug test result

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- b) Receives a second negative dilute immediately following a negative dilute result, i.e., two negative dilute tests in a row
- c) Has a history of negative dilutes (three or more) throughout their time at UTHSC
- d) Refuses or inappropriately engages in the drug test process
- e) Fails to meet the deadline to complete a drug test

Students have the right to review their drug test and request that the designated vendor verify its accuracy. Students contacted by a Medical Review Officer (MRO) regarding a drug test must fully comply with any and all requests for information made by the MRO as the MRO's determination of a positive test is final. The Office of Student Conduct and Community Standards (SCCS), in collaboration with SASSI, and the students' colleges, will inform the students of their rights and the drug testing vendor's contact information.

Failure of a student to comply with the peer assistance program or other provider's assessment, treatment and aftercare monitoring requirements, or loss of advocacy, shall result in a referral to Student Conduct and action up to and including permanent dismissal from UTHSC by the Dean (or their designee) of the student's college.

### **AFTER NOTIFICATION OF SUBSTANCE USE**

The student shall be required to initiate an assessment by a peer assistance program or other approved provider and provide documentation to the CARE Navigator within three business days. All assessment fees and all related costs (including travel) are the responsibility of the student. The peer assistance program or other pre-approved provider will provide the assessment results to the Dean (or their designee) of the student's college and to SASSI. In the event that a student did not self-refer under this policy, the SASSI CARE Navigator will share this information with the Office of Student Conduct and Community Standards (SCCS) who will initiate the student conduct process outlined in CenterScope <http://www.uthsc.edu/centerscope/>.

If any restrictions are required, the college or program will communicate with the students about their eligibility to continue participating in the academic program. If students fail to complete the required assessment, their participation, progression or graduation from the program may be halted and a student conduct referral may be initiated.

- a) If students are in a clinical setting, they shall be withdrawn from activities until treatment is complete and/or they can safely return to the clinic and meet the Technical Standards for students, as determined by the college, in collaboration with the SASSI CARE Navigator.

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- b) A Fitness for Practice examination may be requested by the student’s college for students who self-refer.
- c) Students who are identified to have a substance use problem and who, by their own admission, by the recommendation of approved assessment provider, or by the determination of institutional authority is no longer capable of acceptable academic and professional conduct, or presents a risk to patients, to themselves, or others, will be required to withdraw from courses and university activities. Nothing in this paragraph will preclude UTHSC from dismissing or taking other appropriate action against the student for unacceptable academic performance or lack of professional conduct.
- d) University policy prohibits discrimination against qualified individuals with disabilities. This Policy is to be construed consistent with that commitment and in compliance with applicable law, including the Americans with Disabilities Act and Section 504 of the Rehab Act. Persons who are currently engaged in the use of illegal drugs are not protected by the ADA, however, recovering abusers are covered.

### Peer Assistance Programs and other Approved Treatment Providers

While no formal University disciplinary action may be taken immediately after the violation, the student may be required to participate in the peer assistance program or another alternative resolution through a process or restriction not prescribed within the Code of Conduct; and must establish that the individual student has addressed issues that contributed to the substance use.

All students entering into a peer assistance program must authorize that the program disclose information relevant to their treatment, aftercare recommendations, and successful completion of the program to appropriate University Officials, to include the CARE Navigator, the Dean or designee and, as needed, the substance abuse committee or Student Conduct.

Students should review their responsibilities pursuant to their relevant licensing board, particularly regarding the need to self-report a positive drug test to any board.

### Policy Violations and Disciplinary Action

Students are **not eligible** for self-referral to a Peer Assistance Programs, or the protections of the Self-Referral section of this Policy, if they are determined to have:

- a) Engaged in the unlawful manufacture, possession, distribution, or dispensing of drugs and alcohol on University property during University activities or at a clinical training site;
- b) Been convicted of misdemeanor or felony drug crimes; or
- c) Engaged in other serious violations of the Standards of Conduct (e.g., physical or sexual

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assault, property destruction, disorderly behavior, theft etc.).

If a student has previously entered a peer assistance program, repeat participation eligibility will be reviewed and determined by the substance abuse response committee.

The Office of Student Conduct and Community Standards (SCCS) will initiate the student disciplinary conduct process outlined in CenterScope [http://www.uthsc.edu/centerscope/ for policy violations](http://www.uthsc.edu/centerscope/for_policy_violations). Per HR072 – Drug Free Campus and Workplace policy, such violations are grounds for disciplinary action – up to and including permanent dismissal of a student. All disciplinary decisions are subject to appeal procedures outlined in CenterScope <http://www.uthsc.edu/centerscope/>.

The UTHSC student conduct process is prescribed by State of Tenn. Comp. R. & Regs Section 1720-03-03 “Student Rights and Responsibilities”. Authority and responsibility relating to the Student Code of Conduct are delegated to the Vice Chancellor for Academic, Faculty, and Student Affairs, and the institutional Chief Student Affairs Officer, who has delegated certain authority and responsibility to the Office of Student Conduct and Community Standards (“SCCS”).

### **Substance Abuse Response Committee**

When conditions require a departure from standard policy provisions contained here, a substance abuse response committee will provide guidance on appropriate steps when requested by the college, the SASSI CARE Navigator, or the UTHSC student conduct officer. The substance abuse response committee will be appointed by the Vice Chancellor for Academic, Faculty, and Student Affairs to include a licensed mental health care provider, a drug or alcohol addiction treatment professional, one representative from the Office of Student Affairs and Community Engagement, one representative from SASSI, and one representative from the student’s college. College representative will be appointed by the Dean (or their designee) of each college.

### **Reinstatement and Readmission Procedures**

Students who have been withdrawn or dismissed, if determined eligible by the Dean (or their designee) of the student’s college, may seek reinstatement or readmission after having successfully completed a peer assistance program or other authorized program. The student will be required to follow the UTHSC process for reinstatement (see Reinstatement Policy EM105).

### **Additional Action by Colleges**

Each college may have its own requirements for academics, professionalism and Technical Standards. The individual College may institute proceedings to examine compliance with academic, professionalism requirements or whether the student meets the minimum Technical

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Standards, at any time, independent of any self-referral to a peer assistance program, pending criminal charges, campus disciplinary processes, or state regulatory or administrative action.

### **College Reporting Requirements**

Colleges are required to report all allegations of misconduct, self-referral, suspicions, or admission to peer assistance programs by students under this policy via the CARE portal ([www.uthsc.edu/care-concern](http://www.uthsc.edu/care-concern)) immediately. Information will be entered in PAVE, the student conduct/concern database. The SCCS office, SASSI, and the college will work together to provide prevention education and programming with a focus on trends of drug and/or alcohol violations.

This reporting process is required for completion of the Drug-Free Schools and Communities Act of 1989 (see below).

### **Legal Basis for This Policy**

Federal and state laws provide additional penalties including fines and imprisonment (Federal Drug Free Workplace Act; Federal Drug Free Schools and Communities Act, 21 U.S.C. § 841, et seq., Tenn. Code Anno. § 39-6-401 et seq.). Local ordinances and UTHSC policies (see CenterScope Section on Maintenance of Professional and Ethical Standards at <http://www.uthsc.edu/centerscope/>) also provide for action for drug use, which may include referral for criminal prosecution or requiring the individuals to participate satisfactorily in an approved drug or alcohol abuse assistance or rehabilitation program.

### **Notice Regarding Legalization of Marijuana**

Although some states may have legalized the recreational or medical use of marijuana, use of marijuana is strictly forbidden. Further, possession, use or being under the influence, or having any detectable levels of marijuana metabolites in their system at any time or location, ever, during the student's tenure in the program, is a violation of this University policy; the Code of Conduct; Maintenance of the Ethical and Professional Standards of the Health Professions; substance use policy; federal laws including the Controlled Substance Act and the Drug-Free Schools and Communities Act; and most importantly, presents a clear threat to patient safety. CDB Oil, even if sold legally, may contain sufficient levels of THC to produce a valid positive drug test.

### **Random Drug Testing Procedures**

Each college may implement random drug testing procedures as deemed necessary by the college administration. Any random drug testing procedure must be reviewed by University legal counsel.

### **ATTACHMENTS**

Attachment A: *Procedures for Reasonable Suspicion Drug/Alcohol Testing*

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Attachment B: *Reasonable Suspicion Drug/Alcohol Testing Checklist*

Attachment C: *Authorization to Release Information*

**APPROVAL HISTORY:**

Effective: April 2, 2013, Committee on Academic and Student Affairs (CASA)

Approval: June 21, 2016, Committee on Academic and Student Affairs (CASA)

Approval: June 30, 2016, Chancellor

Revised: July 16, 2019, CASA

Approved: October 22, 2019, Chancellor