



*Wharton County
Junior College*

DRUG AND ALCOHOL ABUSE PREVENTION POLICY HANDBOOK

2019-2020



Rules and Regulations

PREVENTION OF DRUG AND ALCOHOL ABUSE

PURPOSE/POLICY/PENALTIES

PURPOSE:

In compliance with federal regulations relating to the issuance and dissemination of a **Drug and Alcohol Abuse Prevention Policy**, this handbook is updated and posted online annually for all employees and students.

POLICY/PENALTIES:

REGULATION #592

Section IV. Policy

- A.** The college recognizes the necessity of establishing guidelines for conduct to insure the protection of rights for the individual and for the college as an educational institution. In addition to other formal rules and regulations, the following statements adopted by the college apply to all individuals of the college community, as well as its guests.

REGULATION #592

Section V. Guidelines

- A.** Provisions of this regulation apply to student behavior on campus and at all college sponsored and college approved activities and events.
- B.** All students shall obey the law, show respect for College Administration, Faculty, Staff and Employees and shall observe correct standards of conduct. In addition to activities prohibited by law and or other college policies and regulations, the following types of behavior shall be prohibited and subject to disciplinary action, including but not limited to, possible dismissal from WCJC residence halls and/or the college:
- 1.** Gambling, dishonesty, or the use of alcoholic beverages on campus or at any college sponsored event.
 - 2.** The illegal use, possession, and/or sale of a drug or narcotic on campus, as those items are defined by the Texas Controlled Substances Act.

REGULATION #375

Section III. Policy

- A.** Tobacco product use is not permitted in any WCJC building including students' and supervisors' rooms in residence halls. Tobacco product use on campus is only permitted on a college parking lot or designated areas.

Violators of this policy are subject to a summary citation and fine under the same terms and conditions as specified for parking tickets (**see Regulation #315, Parking and Regulation #325, Summary Appeals Court**). (**Policy Approval: 1-10-98, 1-20-98, Board of Trustees; amended 3-17-09, amended 6-23-15**).

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REGULATION #878

Section I. Purpose

Wharton County Junior College (WCJC or College) is committed to protecting the safety, health, and well-being of its employees, students, and all people who come into contact with WCJC employees, property and facilities. The College's philosophy is that unlawful use of drugs or abuse of other authorized drugs and alcohol is not consistent with the behavior expected of members of the College Community. The use of illegal drugs by College employees can result in less than complete reliability, stability and good judgment. The College is committed to providing an environment that prohibits any influences that might have a detrimental effect upon the orderly, safe and efficient operation of the College and that prevents the possibility of coercion, influence, and irresponsible action under pressure by employees that may pose a risk to health, safety, and the College's educational mission. Based upon these goals, the College requires that its employees report to work and perform their duties within the standards established. The intent of the following policy is to prevent the hiring and/or continued employment of persons who, due to the use of alcohol or illegal drugs, may harm themselves or others, or cause damage to property. WCJC, recognizing this, is committed to providing a drug and alcohol-free working environment for all of its employees.

WCJC's Drug-Free Workplace policy is based on the following objectives:

1. To maintain the good reputation of the College and its employees with the communities where the College components are located.
2. To minimize accidental injuries to persons or property;
3. To minimize absenteeism, tardiness and improve the effective job performance and productivity of all employees;
4. To comply with the federal **Drug-Free Workplace Act of 1988, and the Drug-Free Schools and Communities Act Amendments of 1989;** and
5. Other applicable legislation as it is enacted.

REGULATION #878

Section II. Policy

A. Scope: WCJC prohibits the following when an employee is on the job, on College property, in a vehicle owned or used for College business, or while representing the College;

1. The College prohibits the illicit use, sale, attempted sales, conveyance, distribution, storage, manufacture, cultivation, dispensation, purchase, and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount, or in any manner, in the workplace and after business hours. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.
2. The College prohibits the use of prescription medications for which the employee does not have a valid prescription, and the use of prescription medication in a manner inconsistent with the prescription, in the workplace during and after business hours. (Exception: An employee who uses a drug authorized by a physician through a prescription specifically for that employee's use.)

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Section II. Policy

3. The use of alcohol and intoxicating beverages shall be prohibited in classroom buildings, laboratories, auditorium, library buildings, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas. However, with the prior consent and approval of the College President, the provisions may be waived for specified culinary instructional programs or with respect to any specific event that is sponsored by the College and/or the Wharton County Junior College Foundation. State law shall be strictly enforced at all times on all property or facilities controlled by the College in regard to the possession and consumption of alcoholic beverages. All other possessions, consumption, or use of alcoholic beverages or illegal drugs shall be prohibited on College property or facilities. Any person who appears to be under the influence of intoxicating liquor or drugs shall be denied access and/or the use of College property or facilities.
4. Employees shall report suspected violation of this policy to their immediate supervisors or to the Human Resources Department.

B. Employee Notification:

A copy of this policy will be distributed to all new employees. This policy is contained in the **WCJC Employee Handbook** and is also available on the **WCJC Intranet** for review by all employees. Employees will be notified annually that **WCJC has an official Drug-Free Workplace/Drug and Alcohol Abuse Policy** that must be adhered to by all employees, at all times.

C. Disciplinary Action:

Any employee admitting to, or convicted of, the unlawful possession, use or distribution of illicit drugs and alcohol on the campus or at a college-sponsored event held off campus will be subject to disciplinary action (up to and including suspension without pay, and termination); may be referred for prosecution; and/or may be required to satisfactory participation in a drug and alcohol treatment or rehabilitation program.

REGULATION #878

Section V. Procedures:

C. Alcohol and Drug Referrals and Services:

The College is committed to providing alcohol and drug education as well as early intervention and referral services.

1. WCJC's Human Resources Department will provide services for campus faculty and staff that includes information and referrals. The Human Resources Department staff, within the framework of state and federal laws, will maintain confidentiality of all inquiries regarding alcohol and drug abuse issues, to the extent permitted by law.
2. Services can also be sought independently through local service organizations within the community, such as Houston Area Council on Alcoholism and Drug Abuse, and Alcoholics Anonymous, etc.
3. Community service hospitals can also be contacted for emergency care.

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Section V. Procedures:

D. Disciplinary Action for Violation of Drug-Free Workplace/Drug and Alcohol Abuse Policy

1. Any employee who violates the College's prohibition against working while impaired by any drug or alcohol, lawful or unlawful, except with supervisory approval, will be subject to disciplinary action, up to and including dismissal.
2. Any employee who is convicted of or otherwise caught possessing, using, manufacturing, storing, dispensing, distributing, or selling any illegal drug or alcohol in the workplace in violation of the College's policy prohibiting such conduct may be immediately discharged. Employees must report any conviction involving illicit drug use or use or possession of an illegal or controlled substance no later than five days after such conviction to the Human Resources Department.
3. Any employee who is convicted of off-duty illegal drug-related activity, including use, possession, storage, manufacture, dispensation, distribution, or sale of drugs, or who otherwise is determined to have engaged in off-duty illegal drug-related activity, will be considered to be in violation of the College's Drug-Free Workplace/Drug and Alcohol Abuse Policy and may be suspended, terminated, or subjected to other discipline by the College. Employees must report any conviction of illicit drug use or possession of an illegal or controlled substance no later than five days after such conviction to the Human Resources Department.
4. Any employee who pleads guilty to or otherwise is convicted of driving under the influence of alcohol and who, as an essential function of the employee's job, operates a motor vehicle, machinery or other motorized equipment that could be dangerous to himself/herself or others, will not be permitted to operate such vehicle, machinery or equipment until the employee has entered into and successfully completed a treatment or rehabilitation program. Additionally, to the extent an individual has his/her driver's license revoked or suspended as a result of a conviction or guilty plea to driving under the influence of alcohol, he/she will not be permitted to operate such vehicles until the license is reinstated. The individual may be discharged or may be reassigned to another position during this time period, depending on the circumstances. At the College's discretion, the employee may also be permanently barred from operating motor machinery, and/or equipment at the College.
5. Any employee who violates the College's Drug-Free Workplace/Drug and Alcohol Abuse Policy but is not terminated must successfully complete a treatment or rehabilitation program offered by an outside provider. The employee will be required to attend this mandatory treatment or rehabilitation program at the employee's expense. Failure to complete a treatment or rehabilitation program may result in disciplinary action, up to and including suspension or termination. If an employee is required to be absent from work to comply with this section, the College's Family and Medical Leave Policy shall govern his/her employment rights.

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Section V. Procedures:

E. Confidential Records

Drug and/or alcohol abuse is a particularly sensitive issue that may affect any member of the College community. To the extent permitted by the law, the expectation of confidentiality of all parties involved in a violation or alleged violation of the College's Drug-Free Workplace/Drug and Alcohol Abuse Policy shall be strictly adhered to, insofar as it does not interfere with the College's legal obligation to investigate allegations of drug and/or alcohol abuse in the workplace when brought to the College's attention, and to take appropriate corrective action.

1. The Human Resources Department, the Payroll and Benefits Office, to the extent permitted by state and federal laws, will maintain confidentiality of all inquiries regarding alcohol and drug abuse issues. Records will be kept separate from personnel files and will be accessible only to authorized personnel.

REGULATION #878

Section VI. Guidelines:

1. An employee must report to their supervisor any use of a prescribed or over-the-counter medication that adversely affects his/her job performance.
2. An employee must seek assistance for drug and alcohol problems before the problem leads to a disciplinary action.
3. An employee who is charged, and or convicted of a drug related offense that occurred in the workplace, on College property, in a vehicle owned or used for College business, at a college sponsored activity, or while representing the College, must notify his or her supervisor and the Human Resources Department of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
4. Employees shall report suspected violators of this policy to their immediate supervisors and to the Human Resources Department.

B. Supervisor's Responsibility for Ensuring Compliance with the Drug-Free Workplace/Drug and Alcohol Abuse Policy

1. An employee's supervisor is responsible for ensuring their employees comply with this policy. Indicators of possible job performance problems that could be related to illicit drug usage include, but are not limited to the following:
 - An employee exhibiting unfit behavior, including drowsiness, sleepiness, slurred and/or incoherent speech, unusually aggressive or depressive behavior, unusual and rapid changes in mood, disorientation or inability to concentrate and lack of coordination in walking or performing other tasks.
 - An employee with indications of unsatisfactory job performance, including unexplained work errors, difficulty in performing normal or routine duties, unexplained on-the-job accident, and unexplained on-the-job injury.
 - An employee with a history of unsatisfactory job performance problems such as poor work performance, absenteeism, tardiness, minor injuries/accidents or other job difficulties.

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Section VI. Guidelines:

B. Supervisor's Responsibility for Ensuring Compliance with the Drug-Free Workplace/Drug and Alcohol Abuse Policy (cont'd)

- An employee exhibiting physical signs of alcohol and/or illegal drug usage such as glassy eyes or having an odor of alcohol or drugs.
2. An employee's supervisor is responsible for making referrals of individuals, demonstrating unusual or erratic behavior, who are suspected of illegal substance or alcohol abuse to the **WCJC Human Resources Department**.
 3. An employee's annual performance evaluation will not be penalized if the employee experiencing problems resulting from drug or alcohol abuse or dependency seeks assistance before the problems lead to a disciplinary action. Job performance alone, not the fact the employee has identified himself/herself as having sought assistance for their drug or alcohol abuse or dependency, will be the basis for performance evaluations.

C. The College's Responsibility for Ensuring Compliance with the Drug-Free Workplace/Drug and Alcohol Abuse Policy

1. The College may, to the extent permitted by the law, take appropriate personnel action against any employee who is convicted of a violation occurring in the workplace or may require the employee's satisfactory participation in a drug treatment or rehabilitation program.
2. Disciplinary action can range from warning to permanent separation/termination from the College, depending on the seriousness of the infraction and the degree to which violation of the policy adversely affects the well-being of the community or the fulfillment of the College's educational mission.

D. Consequences for Violation of WCJC Drug-Free Workplace/Drug and Alcohol Abuse Policy

1. A WCJC employee who is found to have violated this regulation will be subject to discipline, up to and including termination.
2. An employee, in violation of the policy, will not be permitted to seek rehabilitation in lieu of discipline, but may be required to participate in rehabilitation as a condition of continued employment.
3. An employee's decision to seek voluntary help, before found to be in violation of the College's regulation, will not be used as a basis for disciplinary action. Cost of medical assistance with a drug or alcohol problem may be covered under the employee's health insurance plan.
4. An employee who violates any local, state or federal laws may be reported to the appropriate law enforcement agency and may be subject to prosecution in accordance with the law. (Legal sanctions for violation of local, state, and federal laws may include, but are not limited to fines, probation, and jail or prison sentences.)

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Section VI. Guidelines:

E. Definitions

- **Employee means** an individual receiving a salary, wages, other compensation and/or stipend from the College, including all full-time, part-time, and contractors/subcontractors. On-call employees for on-security employment in the College's Facilities Management Department also are subject to this policy.
- **Illicit-drug use means** the use of illegal drugs and the abuse of other drugs and alcohol.
- **Controlled Substance means** a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C.812) as further defined by regulations at 21 CFR 1300.11 through 1300.15, and as defined in the Texas Controlled Substances Act (Texas Health and Safety Code, §481.00 et seq.)
- **Convictions means** finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug and/or alcohol statutes.
- **College activities means** an activity officially sponsored and sanctioned by WCJC, on or off school grounds.
- **Workplace means** the physical boundaries of the College and facilities owned or controlled by the College. This includes any office, building, or property (including parking lots) owned or operated by the College, or any other site at which an employee is to perform work for the College. An employee is considered to be at a "work site" at all times when he/she is in or is responsible for a College vehicle while on College business.

F. Purpose:

The college's philosophy is that the unlawful use of drugs or abuse of other drugs and alcohol is inconsistent with the behavior expected of members of the College community. The College is committed to the development and maintenance of a drug-free environment on the campus as well as an environment that prohibits the abuse of other drugs and alcohol. WCJC has a drug and alcohol abuse prevention program in operation, accessible to all members of the college community. The College is committed to the further explanation of that program and the dissemination of drug-awareness information to the members of the College community. In addition, the College is committed to enforcing the provisions of the Drug-Free Workplace Act of 1989 and believes that this act and its implementation regulations provide a proper framework for the drug and alcohol abuse policies of the College.

G. Health Risks:

Alcohol - Alcohol consumption causes a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely. Moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairment of higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol can lead to dependence.

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Section VI. Guidelines:

G. Health Risks

Alcohol (cont'd) - Sudden cessation of regular alcohol use is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and the liver. Females who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and development disabilities. In addition, research indicates that children of alcoholic parents are at a greater risk than other youngsters of becoming alcoholics. Alcohol use is often related to acquaintance rape and failure to protect oneself from sexually transmitted diseases (STDS). Additionally, alcohol related accidents are the number one cause of death in the 16-24 age group.

Designer Drugs - illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, "underground" chemists modify the molecular structure of certain illegal drugs to produce analogs known as "designer drugs." The drugs can be several hundred times stronger than the drugs they are designed to imitate. Many of the so-called designer drugs are related to amphetamines (MDMA,X). Bootleg manufacturers create overdose and contamination risks. These substances can produce severe neurochemical damage to the brain. The narcotic analogs (fentanyl, china white) can cause symptoms such as those seen in Parkinson's disease; uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine (PCP) cause illusions, hallucinations, and impaired perception.

Cocaine - Cocaine stimulates the central nervous system. Cocaine use can cause death by cardiac arrest or respiratory failure. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Sharing contaminated needles and syringes for injecting cocaine can spread the AIDS virus, hepatitis, and other diseases. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. "Crack," or "freebase rock," is extremely addictive; and its effects are felt within ten seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucination, paranoia, and seizures.

Other Stimulants - Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to the physical effects, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia.

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Section VI. Guidelines:

G. Health Risks (cont'd)

Marijuana (cannabis) - All forms of cannabis can result in negative physical and mental effects. Use of cannabis may impair or reduce short-term memory and comprehension, alter senses of time, and reduce ability to perform tasks requiring concentration and coordination such as driving a car. Research also shows that students do not retain knowledge when they are "high." Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system; marijuana smoke contains more cancer-causing agents than tobacco smoke. Long-term users of cannabis may develop psychological dependence and require more of the drug to get the same effect.

Hallucinogens - Lysergic acid (LSD), mescaline, and psilocybin cause delusions 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. Negative psychological reactions of LSD, mescaline, and psilocybin are common. The user may experience pain, 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. Some of these effects may last six months to a year following prolonged daily use. Mood absorbers-depression, anxiety, and violent behavior also occurs. In later stages of chronic use, users often exhibit paranoid and violent behavior. Large doses may produce convulsions and coma, as well as heart and lung failure.

Depressants - The effects of depressants are in many ways similar to the effects of alcohol (which is itself a depressant). Small amounts can produce calmness and 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 and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

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Section VI. Guidelines:

G. Health Risks (cont'd)

Synthetic Cannabinoids - Synthetic cannabinoids refer to a growing number of man-made, mind-altering chemicals that are sprayed on dried, shredded plant material so they can be smoked (herbal incense). These chemicals are called cannabinoids because they are related to chemicals found in the marijuana plant. Because of this similarity, synthetic, cannabinoids are sometimes misleadingly called “synthetic marijuana” (or “fake weed”), and they are often marketed as “safe,” legal alternatives to that drug. In fact, they may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases severe or even life-threatening. Texas State Legislature banned synthetic cannabinoids in 2015 so it is no longer sold in stores but is still widely available. Manufacturers sell these herbal incense products in colorful foil packages. They market these products under a wide variety of specific brand names; in past years, K2 and Spice were common. Hundreds of other brand names now exist, such as Joker, Black Mamba, Kush, and Kronic. Because the chemical composition of many synthetic cannabinoid products is unknown and may change from batch to batch, these products are likely to contain substances that cause dramatically different effects than the user might expect. Synthetic cannabinoids are highly addictive. People who have used synthetic cannabinoids and have been taken to emergency rooms have shown severe effects including: rapid heart rate, vomiting, violent behavior, and suicidal thoughts. Synthetic cannabinoids can also raise blood pressure and cause reduced blood supply to the heart, as well as kidney damage and seizures. Use of these drugs is associated with a rising number of deaths.

Opioids/Heroin - Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone (OxyContin®), hydrocodone (Vicodin®), codeine, morphine, and many others. Opioid pain relievers are generally safe when taken for a short time and as prescribed by a doctor, but because they produce euphoria in addition to pain relief, they can be misused (taken in a different way or in a larger quantity than prescribed, or taken without a doctor’s prescription). Regular use—even as prescribed by a doctor—can lead to dependence and, when misused, opioid pain relievers can lead to overdose incidents and deaths. An opioid overdose can be reversed with the drug naloxone when given right away. Prescription opioid pain medicines such as OxyContin® and Vicodin® have effects similar to heroin. Research suggests that misuse of these drugs may open the door to heroin use. Nearly 80 percent of Americans using heroin (including those in treatment) reported misusing prescription opioids prior to using heroin. People who use heroin over the long term may develop: collapsed veins, infection of the heart lining and valves, abscesses, constipation and stomach cramping, liver or kidney disease, and lung complications. When people overdose on heroin, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, a condition called hypoxia. Hypoxia can have short-and long-term mental effects and effects on the nervous system, including coma and permanent brain damage.

Methamphetamine - Methamphetamine is chemically similar to amphetamine. Other common names for methamphetamine include chalk, crank, crystal, ice, meth, and speed. Taking even small amounts of methamphetamine can result in many of the same health effects as those of other stimulants, such as cocaine or amphetamines.

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Section VI. Guidelines:

G. Health Risks (cont'd)

Methamphetamine - These include: increased wakefulness and physical activity, decreased appetite, faster breathing, rapid and/or irregular heartbeat, increased blood pressure and body temperature. Long-term methamphetamine use has many other negative consequences, including: extreme weight loss, severe dental problems ("meth mouth"), intense itching leading to skin sores from scratching, violent behavior, paranoia, and hallucinations. Methamphetamine overdose can lead to stroke, heart attack, or organ problems—such as kidney failure—caused by overheating. These conditions can result in death.

WCJC SUPPORTS:

A Zero Tolerance Policy for the possession, use, sale or distribution of narcotics, dangerous drugs and related paraphernalia on campus and in the residence halls. Any student who possesses, participates, is in the presence, under the influence of, uses or sells, manufactures or distributes illegal drugs and/or mood enhancing substances will be subject to disciplinary action (including possible dismissal from the residence hall and college) and/or criminal proceedings. Drug odor and drug paraphernalia, including bong, promotional materials, hookah pipes, clips, residue seeds, a smoke filled residence hall room, or any other items used in the preparation or consumption of illegal drugs and/or mood enhancing substances are not permitted on the WCJC Campus or residence halls. Random room inspections by authorized staff, accompanied by independent contractors with canine units may be conducted periodically to enforce the WCJC Zero Tolerance Policy. This policy refers to the unlawful possession, use, sale or distribution of illicit drugs/alcohol on the college property. The college reserves the right to inspect vehicles and personal belongings. This policy refers to the unlawful possession, use, sale or distribution of illicit drugs/alcohol on the college property. The college reserves the right to inspect vehicles and personal belongings.

STUDENT DISCIPLINARY ACTIONS:

If the Dean of Student Success or designee determines that the student committed misconduct that warrants a penalty, the DSS or designee will assess an appropriate penalty, including the following:

Reprimand:

A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.

Specific Restrictions:

Specific academic, social or behavioral restrictions may be assigned without placing the student on disciplinary probation.

Restitution:

Assessment of a specific monetary fine or restitution for damage to College District property.

Community Service:

Assignment of specific work hours of community service.

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STUDENT DISCIPLINARY ACTIONS: (cont'd)

Disciplinary Probation:

Placement on disciplinary probation will include notice of conduct, rules, policies, or procedures, or violation of the terms of disciplinary probation may result in suspension or expulsion from the College District. Disciplinary probation may be imposed in addition to the penalties described in the previous page, including social and behavioral restrictions, restitution for harm caused by the student's misconduct, or specified community service. Disciplinary probation will be for a specific length of time or until stated conditions are met. Failure to fulfill the terms of probation may lead to immediate suspension or expulsion.

Suspension:

Forced withdrawal from the College District for a definite period of time or until stated conditions have been met. Suspension from the College District prohibits, during the period of suspension, the suspended student from entering any District facility without prior written approval from the Dean of Student Success, being initiated into an honorary or service organization, and receiving credit at a component of the College District system for scholastic work completed.

Dismissal from College District Programs:

Expulsion: Permanent forced withdrawal from the College District. A student receiving disciplinary expulsion shall have the action noted in his or her permanent record.

The VPSS shall inform the student in writing of the outcome of the investigation within five (5) business days, including a statement of the decision, brief rationale for the decision, and, if needed, an explanation of necessary conditions for reinstatement. The faculty member involved in the incident, the department head, division chair, and VPI will also receive notice of the disciplinary action.

Disciplinary action may be appealed by the student under the provisions of Reg. 664, Appeal of Disciplinary Action.

The Dean of Student Success is responsible for maintaining files for all disciplinary issues.

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

OFFENSE	MINIMUM SENTENCE	MAXIMUM PUNISHMENT
Manufacture or delivery of a controlled substance (drugs)	Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 99 years or less than 15 years	Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 99 years or less than 15 years, and a fine not to exceed \$250,000.
Possession of a controlled substance (drugs)	Imprisonment in a state jail for any term not more than 2 years or less than 180 days and a fine not to exceed \$10,000	Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Possession of Marijuana	Confinement in a jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000	Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 99 years or less than 2 years, and a fine not to exceed \$50,000.
Delivery of Marijuana	Confinement in a jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000	Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 99 years or less than 5 years, and a fine not to exceed \$50,000.
Delivery of a controlled substance or Marijuana to a minor		Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 20 years or less than 2 years, and a fine not to exceed \$10,000.
Driving while intoxicated	Confinement in a jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000 with a minimum confinement of 72 hours.	Confinement in a jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000 with a minimum confinement of 6 days.
Public Intoxication	Fine not to exceed \$500	Fine not to exceed \$500
Intoxication Assault		Imprisonment in the Texas Department of Criminal Justice for a term of not more than 10 years and a fine not to exceed \$10,000.
Purchase of alcohol by a minor	Fine not to exceed \$500	Fine of not less than \$500 or more than \$1,000.

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PENALTIES UNDER TEXAS AND FEDERAL LAW

OFFENSE	MINIMUM SENTENCE	MAXIMUM PUNISHMENT
Intoxication Manslaughter (Felony 3)		Imprisonment in the Texas Department of Criminal Justice for life or for a term not more than 20 years or less than 2 years, and a fine not to exceed \$10,000.
Consumption of alcohol by a minor	Fine not to exceed \$500.	Fine of not less than \$500 or more than \$1,000.
Consumption or possession of alcoholic beverage in Motor Vehicle	Fine not to exceed \$500.	Fine not to exceed \$500
Possession of alcohol by a minor	Fine not to exceed \$500.	Fine of not less than \$500 or more than \$1,500.
Purchase of alcohol for a minor.	Class A misdemeanor	Fine of not less than \$500 or more than \$1,500
Sale of alcohol to a minor		Jail up to one year
Attempt to purchase alcohol by a minor	Fine not to exceed \$500	Fine of not less than \$500 or more than \$2,000
Misrepresentation of age by a minor	Fine not to exceed \$500	Fine of not less than \$500 or more than \$2,000
Manufacture, distribution, or dispensing drugs (includes marijuana)	A term of imprisonment not more than 5 years, and a minimum fine of \$250,000	A term of life imprisonment without release (no eligibility of parole) and a fine not to exceed \$8,000,000 (for an individual) or \$20,000,000 (if other than an individual).
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years or less than 5 years, a fine not less than \$5,000 plus costs of investigation and prosecution.
Operation of a Common Carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

CONDUCT RELATED TO DRUG AND ALCOHOL OFFENSES

I. CRIMINAL PENALTIES:

OFFENSE	MINIMUM SENTENCE	MAXIMUM PUNISHMENT
CLASS C MISDEMEANOR		\$500
CLASS B MISDEMEANOR	A term of imprisonment not more than 180 days, or both fine and confinement.	Fine not to exceed \$2,000
CLASS A MISDEMEANOR	A term of imprisonment not to exceed one year, or both fine and confinement.	Fine not to exceed \$4,000
STATE JAIL FELONY	A term of imprisonment not less than 180 days, and not to exceed one year, or both fine and confinement.	Fine not to exceed \$10,000
STATE JAIL FELONY	A term of imprisonment not less than 180 days, and not to exceed one year.	Fine not to exceed \$10,000
THIRD DEGREE FELONY	A term of imprisonment not less than two years, and not to exceed ten years.	Fine not to exceed \$10,000
SECOND DEGREE FELONY	A term of imprisonment not less than two years, and not to exceed twenty years.	Fine not to exceed \$10,000
FIRST DEGREE FELONY	A term of imprisonment not less than five years, and not to exceed ninety nine years.	Fine not to exceed \$10,000

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

CONDUCT RELATED TO DRUG AND ALCOHOL OFFENSES

II. OFFENSES:

A. OFFENSE OF MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCES

These offenses are set out in Sections 481.112, 481.1121, 481.113, and 481.114, Texas Health and Safety Code, which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.

Section 481.112, Texas Health and Safety Code, deals with Penalty Group 1 drug offenses, less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony, more than 4 grams and less than 200 grams is a 1st degree felony; more than 200 grams and less than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$250,000 fine.

Section 481.1121, Texas Health and Safety Code, deals with Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony, number of abuse units more than 20 and less than 80 is a 2nd degree felony; number of abuse units more than 80 and less than 4000 is a 1st degree felony, more than 4000 units is life imprisonment or a term of 15 to 99 years and up to \$250,000 fine.

Section 481.113, Texas Health and Safety Code, deals with Penalty Group 2 drug offenses: less than 1 gram is a state jail felony, more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$1,000,000 fine.

B. OFFENSE OF POSSESSION OF CONTROLLED SUBSTANCES

These offenses are set out in Sections 481.115, 481.116, 481.113, and 481.117, and 481.118, Texas Health and Safety Code, which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.

Section 481.115, Texas Health and Safety Code, deals with Penalty Group 1 drug offenses, less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony, more than 4 grams and less than 200 grams is a 1st degree felony; more than 200 grams and less than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

CONDUCT RELATED TO DRUG AND ALCOHOL OFFENSES

II. OFFENSES:

B. OFFENSE OF POSSESSION OF CONTROLLED SUBSTANCES (CONT'D)

Section 481.1151, Texas Health and Safety Code, deals with Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 3rd degree felony; number of abuse units more than 80 and less than 4000 is a 2nd degree felony, more than 4000 units and less than 8000 units is a 1st degree felony, and more than 8000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

Section 481.116, Texas Health and Safety Code, deals with Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

Section 481.118, Texas Health and Safety Code, deals with Penalty Group 4 drug offenses: less than 28 grams is a Class B misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony, and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

C. OFFENSE OF DELIVERY OF MARIJUANA

Section 481.120, Texas Health and Safety Code, deals with delivery of marijuana offenses: less than one quarter ounce is a Class B misdemeanor if delivery is without compensation; less than one quarter ounce is a Class A misdemeanor if delivery is for compensation; more than one quarter ounce and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 2nd degree felony; more than 50 pounds and less than 2000 pounds is a 1st degree felony, and more than 2000 pounds is life imprisonment or a term of 10 to 99 years and a fine not to exceed \$100,000.

D. OFFENSE OF POSSESSION OF MARIJUANA

Section 481.121, Texas Health and Safety Code, deals with possession of marijuana offenses: less than 2 ounces is a Class B misdemeanor; more than 2 ounces and less than 4 ounces is a Class A misdemeanor, more than 4 ounces and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 3rd degree felony; more than 50 pounds and less than 2000 pounds is a 2nd degree felony; and more than 2000 pounds is life imprisonment or a term of 5 to 99 years and a fine not to exceed \$50,000.

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

CONDUCT RELATED TO DRUG AND ALCOHOL OFFENSES

II. OFFENSES:

E. OFFENSE OF DELIVERY OF CONTROLLED SUBSTANCE OR MARIJUANA TO MINOR

Section 481.122, Texas Health and Safety Code, deals with the offense of the delivery of a controlled substance or marijuana to a minor (17 years of age or younger) and provides that the offense is a 2nd degree felony punishable by imprisonment for a term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.

F. OFFENSE OF DRIVING WHILE INTOXICATED (DRUGS OR ALCOHOL)

Section 49.04.49.09, Texas Health and Safety Code, provides that the offense of driving while intoxicated is punishable as a Class B misdemeanor with a minimum term of confinement of 72 hours unless the driver had an open container of alcohol in his possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of six days in jail. One prior conviction enhances the punishment to a Class A misdemeanor with a minimum term of confinement of 30 days, two prior convictions enhances the punishment to a 3rd degree felony.

G. OFFENSE OF CONSUMPTION OR POSSESSION OF ALCOHOL IN MOTOR VEHICLE

Section 49.03, Texas Penal Code, provides that the penalty for the offense of consumption of an alcoholic beverage while operating a motor vehicle in a public place is a Class C misdemeanor.

H. OFFENSE OF PUBLIC INTOXICATION

Section 49.02, Texas Penal Code, provides that the penalty for the offense of public intoxication wherein a person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor, unless the person is younger than 21 years old, wherein Sections 106.071 and 106.115, Texas Alcoholic Beverage Code apply and provide for a Class C misdemeanor punishment and attendance at an alcohol awareness program, and where the offender has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000, confinement in jail for a term not to exceed 180 days, or both the fine and confinement, community service of 8 to 40 hours, suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

CONDUCT RELATED TO DRUG AND ALCOHOL OFFENSES

II. OFFENSES:

I. OFFENSE OF PURCHASE OF ALCOHOL BY A MINOR

Sections 106.02, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the offense of the purchase of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and when the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000, confinement in jail for a term not to exceed 180 days; or both the fine and confinement, community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

J. OFFENSE OF CONSUMPTION OF ALCOHOL BY A MINOR

Section 106.04, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the offense of consumption of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

K. OFFENSE OF POSSESSION OF ALCOHOL BY A MINOR

Section 106.05, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the possession of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000, confinement in jail for a term not to exceed 180 days; or both the fine and confinement, community service of 8 to 40 hours, suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

L. OFFENSE OF SALE OF ALCOHOL TO A MINOR

Section 106.05, 106.03, Texas Alcoholic Beverage Code, provides that the penalty for selling alcohol to a minor is a Class A misdemeanor.

PREVENTION OF DRUG AND ALCOHOL ABUSE

PENALTIES UNDER TEXAS AND FEDERAL LAW

CONDUCT RELATED TO DRUG AND ALCOHOL OFFENSES

II. OFFENSES:

M. OFFENSE OF PURCHASE OF ALCOHOL FOR A MINOR OR FURNISHING ALCOHOL TO A MINOR

Sections 106.06, Texas Alcoholic Beverage Code, provides that the penalty for purchasing alcohol for a minor or giving or making available an alcoholic beverage to a minor is a Class B misdemeanor.

N. OFFENSE OF MISREPRESENTATION OF AGE BY A MINOR TO PERSON SELLING OR SERVING ALCOHOLIC BEVERAGES

Section 106.07, 106.071, and 106.115, Texas Alcoholic Beverage Code, provide that the penalty for misrepresentation of age by a minor to a person selling or serving alcoholic beverages is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the offender is a minor previously convicted twice for alcohol-related offenses, a fine of not less than \$250 or more than \$2000, confinement in jail for a term not to exceed 180 days, or both fine and imprisonment; community service of 8 to 40 hours; suspension of Texas Driver's License for 30 to 180 days and attendance at an alcohol awareness program.

POSSESSION OF TOBACCO

CHANGES TO THE LAW SB21

Changes to the Law SB21 will be effective 09-01-19. The change to the Texas Health and Safety Code (HSC) Article 161.252 changes the age from 18 to 21 regarding possession, purchase, or use of tobacco products, includes vaping.

- **Possession of Tobacco by a Minor** - A minor commits an offense if the minor possesses, purchases, consumes, or accepts a cigarette or tobacco product.
- **Misrepresentation of Age by a Minor** - A minor commits an offense if the minor falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of purchase, or receive a cigarette or tobacco product.
- **Parent Exception** - A minor may possess, or consume, or accept a cigarette or tobacco product if he or she is in the visible presence of his parent/guardian/conservator/adult spouse.
- **Employment Exception** - A minor may possess or receive cigarettes and/or tobacco products if it is in the performance of his duties of employment.

PREVENTION OF DRUG AND ALCOHOL ABUSE

ASSISTANCE PROGRAM FOR EMPLOYEES AND STUDENTS

The WCJC Office of Student Services offers the following drug and alcohol abuse information, counseling and assistance programs and services:

Information and Referral - all members of the College community are eligible to consult with the professional staff of the Office of Student Services (OSS) regarding the availability of drug abuse assistance programs. Drug and alcohol abuse counseling and rehabilitation program referrals are routinely made to mutual-help organizations, private hospitals, public treatment programs, and private drug-treatment practitioners. It also maintains a collection of resource materials pertinent to issues of drug abuse.

Individual Counseling - individuals are seen on a short-term basis for assistance with drug-related problems. The OSS will make a referral for alcohol and drug addiction. Referrals are available to students at no charge. Faculty and staff are able to receive referrals for such services.

Group Counseling - Details regarding a local chapter of Alcoholics Anonymous (AA) are available from the OSS. Information is free to Wharton County Junior College students, faculty and staff.

Mutual Health Groups - Counselors may assist students in forming groups like AA and Alanon, and information concerning these groups is available through the OSS for dissemination to interested persons.

Houston Area Council on Alcoholism and Drug Abuse - This organization offers short-term counseling for anyone affected in any way by alcohol or other drug abuse. Trained alcohol and drug-abuse counselors can help select a 12-step program (AA, Alanon, NA, CA, etc.) and/or appropriate treatment. The address is: 303 Jackson Hill, Houston, Texas 77007, and phone (281) 942-4100.

Further information regarding these programs and services may be secured from the WCJC Office or Student Services located in the Pioneer Student Center, phone (979) 532-6441, in Sugar Land (281) 243-8422, or in Richmond (281) 239-1527.

PREVENTION OF DRUG AND ALCOHOL ABUSE

APPLICATION POLICY

The Drug and Alcohol Abuse Prevention Policy is supported by a drug-free awareness and alcohol education program available to the faculty, staff, and students of the College.

Specific compliance and reporting items below. Items B,C,D, and E are applicable to all persons employed on federal contracts and grants.

In support of this policy, the College:

- A.** Has established a drug-free and alcohol-free abuse-awareness program to inform its faculty, staff, and students about the dangers of drug and alcohol abuse in the workplace, the College's policy of maintaining a drug-free workplace and a workplace that prohibits the illicit use of alcohol, available drug and alcohol counseling rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug and alcohol abuse violations.
- B.** Will make this policy/publication available to all students and employees. In addition, all faculty, staff, and all students will be notified of this policy through appropriate publications posted online.
- C.** Will notify each College employee and each student that , as a condition of employment on a federal grant or contract, the person, once so employed, must abide by the terms of the policy, and must notify his/her supervisor of any criminal drug statute conviction for a violation occurring in the workplace not later than 5 days after such conviction.
- D.** Will notify the appropriate federal agency within 10 days after receiving notice of criminal drug statute conviction of any College employee engaged in performance of the grant or contract.
- E.** Will impose sanctions on or require the satisfactory participation in a drug-abuse assistance or rehabilitation program by any employee so convicted. Sanctions imposed on employees for violation of this policy may include suspension with and without pay, and termination.
- F.** Will make a good-faith effort to continue to maintain an environment that complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.
- G.** Will conduct an annual review of its programs to assess the effectiveness, what changes need to be made, and to ensure the uniform application of sanctions to employees and students.

PREVENTION OF DRUG AND ALCOHOL ABUSE

IMPLEMENTATION

Implementation of this policy is a responsibility of the Office of Student Services. Notification of this program, including information about the health risks and sanctions for violations of the policy, will be provided annually to students. In addition, the College is committed to monitoring and assessing the effectiveness of this program. An annual review of this program will be undertaken to:

- (1) determine its effectiveness, what changes to the program if they are needed and
- (2) ensure that its disciplinary standards are consistently enforced.

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Wharton County Junior College is an E.O.E. Institution