

<b>Institutional Handbook of Operating Procedures</b> <b>Policy 07.01.28</b>	
Section: Student Policies	Responsible Vice President: Executive Vice President & Provost
Subject: Student Services and Activities	Responsible Entity: Student Affairs

**I. Title**

*Student Fitness for Participation in Educational Activities.*

**II. Policy**

**A. Scope**

The purpose of this policy is to establish procedures by which the University of Texas Medical Branch (UTMB) may evaluate a learner’s fitness for participation when a learner is:

- Having observable difficulty performing the essential functions of the academic program in a manner that is safe for the learner, others, the University, or the public; or
- Posing a credible and/or imminent threat to the safety of self or others.

This policy applies to all learners engaging in educational, research, training, or clinical activities or events sponsored or supported by UTMB, regardless of whether the activities or events take place on property or in buildings owned or controlled by UTMB.

**B.** It is the policy of UTMB that all learners must be able to participate in UTMB related activities in a fit and safe manner. Learners who are not fit for participation may present a safety hazard to themselves, others, UTMB, or the public.

Learners are expected to manage their health and behavior so that they can participate in UTMB-related activities in a safe, productive, and effective manner. Learners who are impaired will be prohibited from participating in UTMB-related activities, regardless of whether these activities take place on property or in buildings owned or controlled by UTMB. This policy seeks to promote detection of potentially impaired learners so that education, evaluation, or treatment may take place, as well as provide transparent procedures for handling possibly impaired learners. This policy is not intended to replace or alter the standards and requirements set forth in other UTMB or University of Texas System policies concerning Student Drug Testing (IHOP 07.01.26), Student Conduct and Discipline (IHOP 07.01.03), or Students with Disabilities (IHOP 07.01.01).

UTMB expects learners to seek help voluntarily and to assume responsibility for their professional and personal conduct. Learners who believe they are at risk of potential impairment due to untreated alcohol or substance abuse, physical conditions, or mental illness are strongly encouraged to voluntarily self-report to their associate dean of student affairs, to seek guidance from student health and/or counseling and psychological services, or to seek care from a personal provider.

Learners must comply with all aspects of the fitness for participation assessment process (which may include testing for the presence of alcohol or drugs) or be subject to disciplinary action under [IHOP 07.01.03 Student Conduct and Discipline](#).

### III. Procedures

A. Faculty, residents, staff, or learners whose observations lead them to question a learner's fitness for participation in UTMB related activities should immediately contact the learner's associate dean of student affairs to report their observations. Behaviors that might indicate a need to evaluate a learner for potential intoxication or impairment include but are not limited to the following:

- Uncontrolled outbursts, poor impulse control, or unprofessional behavior
- Legal difficulties (e.g., an arrest for public intoxication or DUI)
- Changes or problems with dexterity, coordination, memory, alertness, vision, or speech
- Detectable odor of alcohol or drugs or slurred speech; or
- In situations where there is a basis to think that a crime may have been committed and/or the learner is making threats to harm himself or herself or others or is acting in a manner that is immediately dangerous to himself or herself or others, an observer will contact UTMB Police Department and the Associate Dean of Student Affairs (ADSA).

When the Associate Dean of Student Affairs (ADSA) personally observes a learner who may be unfit for duty, the ADSA will document the observations as soon as is practicable using the Fitness for Duty Observation Report. When possible, the ADSA should have another observer complete a separate observation report. Each observer should completely, accurately, and independently outline how the learner's behavior jeopardizes safety or the learner's ability to perform his or her academic or clinical responsibilities.

When the ADSA receives credible and/or reliable information that a learner may be unfit for duty, the ADSA should have the reporting party complete an observation report. When possible, the ADSA should validate and document the information.

The ADSA reviews the documents to determine if it is appropriate to move forward with a fitness for participation evaluation.

If the ADSA concludes there is a reasonable basis to believe the learner is acutely impaired, the ADSA will:

- Immediately remove the learner from participation in UTMB related activities.
- Promptly notify the learner in writing of the report received, the observations made, and the result of the ADSA's inquiry.
- In situations where there is reason to believe that the student is under the influence of drugs or alcohol while performing his/her academic or clinical responsibilities, the ADSA should ask the learner to agree to a voluntary substance testing pursuant to UTMB IHOP Policy 07.01.26 Student Drug Testing Policy.
- Permit the learner an opportunity to respond and explain the appearance of intoxication or impairment.
- Document the observed behaviors, the learner's response, and any other relevant information; and
- Contact the Behavior Intervention Team (BIT) for guidance regarding a follow up course of action, which may include additional assessment, further evaluation at a later time by a mental health professional in student health/counseling and psychological services or other appropriate healthcare professional.

If transportation home is recommended, the ADSA will assist the student in making arrangements for transportation. If such transportation is not possible or the learner refuses assistance, the ADSA should

contact the student's emergency contact or the UTMB Police Department. The learner should not drive, nor should faculty, staff, or fellow learners transport the learner (unless previously identified in writing as an emergency contact or authorized by the student's emergency contact).

The learner will not be allowed to participate in UTMB related activities until all aspects of the fitness for participation process are completed. A provider (either in Student Health/Counseling or one of the student's choice) must provide in writing to the Institutional ADA Officer that the learner is fit for participation in UTMB activities and able to meet the essential functions designated by his/her school. If a learner is referred to BIT as part of the fitness for participation process, that learner may be required to satisfy certain directives set by the BIT as a condition of continued participation in UTMB related activities.

### **B. Procedure for Referral to the Student Assistance Committee**

The Behavior Intervention Team (BIT) is designed to encourage and facilitate recognition, intervention, treatment, and rehabilitation of learners who may be impaired due to the use or abuse of alcohol or controlled substances.

Referred individuals may be required to satisfy certain directives set by the BIT as a condition of continued participation in UTMB activities. Requirements set by the BIT may include but are not limited to: referral to Student Health / Counseling; evaluation or treatment by an appropriate health care professional; leave of absence to participate in a treatment program; or ongoing monitoring, which may include additional drug screening. The impaired learner is solely responsible for all out-of-pocket expenses associated with compliance.

All BIT actions and proceedings are confidential, except that the BIT may periodically report information to the ADSA regarding the learner's compliance, progress, and fitness for continued participation in UTMB activities.

Learners who fail to report to the BIT as directed by the ADSA or who fail to satisfy any requirement set by the BIT may be subject to disciplinary action in accordance with [IHOP - 07.01.03 Student Conduct and Discipline](#). A report of any such learners will be made annual to the Student Affairs Committee.

### **C. Confidentiality**

All records, files, or other medical, psychiatric, and chemical dependency information initiated as part of the fitness for participation process, including the results of alcohol or drug testing, are maintained by UTMB as confidential to avoid disclosure to unauthorized persons. All educational records will be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA), and all medical committee and peer review discussions, investigations, deliberations, and documentation will be maintained in accordance with the Texas Medical Practice Act or other professional state practice acts. All records are maintained in accordance with applicable law, UTMB policy, and established record retention requirements.

## **IV. Related UTMB Policies and Procedures**

[IHOP 07.01.01 - Students with Disabilities](#)

[IHOP 07.01.03 - Student Conduct and Discipline](#)

[IHOP 07.01.26 - Student Drug Testing](#)

**V. Dates Approved or Amended**

<i>Originated: 3/14/25</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>

**VI. Contact Information****The Office of Student Affairs and Admissions:**

Graduate School of Biomedical Sciences – (409) 266-6504

School of Health Professions – (409) 772-3004

School of Medicine – (409) 772-6026

School of Nursing – (409) 772-8205