ALCOHOL AND DRUG POLICY

Policy Statement

The University of Southern Mississippi strives to maintain campus communities, activities and worksites free from the illegal use, possession, or distribution of alcohol, illegal drugs or controlled substances as defined by state law and in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, as amended and by regulation at 21 Code of Federal Regulations section 1308. The University of Southern Mississippi recognizes that the illegal and/or abusive use of alcohol or drugs by members of the University community can prevent the University from meeting its commitments and accomplishing its missions. Further, such use jeopardizes the safety and welfare of the individual, fellow employees and students, and the University community. The University Alcohol and Drug Policy prescribes standards of conduct expected of academic and staff employees, students and visitors to maintain alcohol and drug-free campus communities, activities and worksites, and contains provisions to ensure that the University is in compliance with federal and state statutes.

Reason for Policy/Purpose

Consistent with state and federal law, the University will maintain a workplace and educational environment free from the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance and/or alcohol. This policy is implemented in compliance with the Drug-Free Workplace Act of 1988, and the Drug-Free Schools and Communities Act Amendments of 1989. The purpose of this statement is to establish policy for all employees, students and visitors of The University of Southern Mississippi concerning manufacture, sale, possession, distribution, or use of alcohol or illegal drugs during working hours; during class attendance; in a manner while off duty that impairs on-duty work performance; or in a manner while in attendance at an official University function or at an authorized University site that adversely affects the performance of the employee or student or may adversely affect the health or safety of any other person.
Who Needs to Know This Policy

All members of The University of Southern Mississippi community including employees, students and visitors.

Website Address for this Policy

www.usm.edu/institutional-policies/policy-pres-pr-001

Definitions

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

BYOB or BYO is an initialism meant to stand for "bring your own bottle", "bring your own booze", "bring your own beer" or "bring your own beverage". BYOB is often placed on an invitation to indicate that the host will not be providing alcohol and that guests are welcome to bring their own.

Community Alcohol refers to common source and "tap" systems. This includes, but is not limited to, kegs, beer balls, punch bowls used to mix or serve alcohol, mixed drinks/cocktails and beer/wine provided to other persons.

Consumption of alcohol refers to the act of drinking or ingesting any amount of an alcoholic beverage.

Controlled substances (or "illegal drugs") refers to any drug or substance whose use is legally prohibited including, but not limited to, marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines) and any others contained or identified in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, as amended and by regulation at 21 Code of Federal Regulations section 1308.

Distribution of drugs refers to the sharing of illegal drugs/controlled substances with or giving them to others.

Employee(s) means faculty, staff, or student employees.

Facilitating the possession/use of alcohol or drugs refers to the act of allowing others to possess, consume, or use alcohol or illegal drugs/controlled substances in one’s residence or automobile.

Hard Liquor/Alcohol includes any distilled beverage, spirit, liquor, hard liquor or hard alcohol which is produced by distillation of grains, fruit, or vegetables that have already gone through alcoholic fermentation. The term “hard liquor” applies to all alcohol and alcohol-containing beverages except beer, wine, champagne, and pre-made alcoholic drinks not made from distilled spirits; the alcohol content of beverages not considered hard liquor/alcohol must be below 20%; distilled spirits of any kind are considered hard liquor/alcohol.
Invitee(s)/Visitor(s) means any person authorized by the University to engage in University-related activities on University premises or University controlled property including, but not limited to, independent contractors, consultants, volunteers, individuals employed by outside employment agencies, conference attendees, and persons taking or auditing educational programs.

Possession of alcohol or drugs refers, but is not limited, to holding, no matter the duration, alcohol or illegal drugs/controlled substances in hand or, having them in one’s clothing, purse/book bag (or similar case), automobile, or residence.

Sale of drugs refers to the exchange of illegal drugs/controlled substances for money or other forms of compensation (sale).

Student(s) means anyone admitted to the University and registered for, taking, or pursuing undergraduate, graduate, or professional studies or academic courses at the University, both full-time and part-time, as well as persons attending classes on-campus, off-campus or online.

University premises/University controlled property means any building, structure, vehicle, improved land, or unimproved land, in whole or part, which is owned, used, or occupied by the University or for the use and benefit of the University.

Use of drugs refers to the act of ingesting, inhaling, drinking, eating, and/or any other method of introducing an illegal drug or controlled substance into one’s body.

Workplace means any University premise or other location where an employee is engaged in University business.

Policy/Procedures

1.0 Policy

The Drug-Free Schools and Communities Act Amendment of 1989, Public Law 101-226, 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 certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by faculty, staff, and students. Thus, the unlawful manufacture, distribution, dispensation, possession, use, or sale of alcohol, illegal drugs or of controlled substances by University employees or students in the workplace, in classrooms, on University premises, at official University functions, on University business, in University vehicles or related to any University sponsored activity is prohibited. In addition, employees and students shall not use alcohol or illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life. Conduct involving prescription drugs which have not been prescribed by a physician to the person using or in possession of them will be treated as a violation of this policy.
Annually, each employee and student will be provided with a written statement concerning:

(a) the applicable legal sanctions under local, state, and federal law regarding unlawful possession, use, or distribution of illicit drugs and alcohol,
(b) the health risks associated with use of illicit drugs and the abuse of alcohol,
(c) the available drug or alcohol counseling, treatment, and/or rehabilitation programs, and
(d) the disciplinary sanctions that will be imposed on employees and students for the unlawful possession, use, or distribution of illicit drugs and alcohol.

1.1. Violations by Employees. Employees found to be in violation of this Policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable University policies, or may be required, at the discretion of the University, to obtain an assessment or evaluation to determine whether the employee may have a substance or alcohol abuse issue, and/or may be reported to authorities for criminal prosecution or other appropriate action.

The University reserves the right to inspect the workplace for alcohol, controlled substances, illegal drugs or paraphernalia relating to alcohol, controlled substances or illegal drugs and to question any employee when it reasonably suspects that this policy or any procedure under this policy has been violated.

1.2 Violations by Students. The University of Southern Mississippi’s Code of Student Conduct, in conjunction with this policy, prohibits the unlawful possession, use, or distribution of alcohol and other drugs by students and student organizations, as well as any other alcohol-related misconduct.

1.3 Residence Life. In accordance with residence life and housing policy, alcohol is not permitted inside student housing. Any possession or consumption of alcoholic beverages of any kind in plain view shall be considered a violation of this policy. The concepts of “private space” or “private gatherings” in this policy do not condone underage or excessive drinking in private spaces. Rather, the policy arises from the reality that, while police officers enforce state laws, they may not have a need or legal reason to enter students’ private living spaces unless a problem is apparent or a large gathering requires investigation. However, privacy rights of students in their residential space will be respected, but any public nuisance coming from private space related to the consumption of alcohol shall bring the full force of this policy and applicable state law into play. The concealment of illegal alcohol consumption from plain view does not preclude the enforcement of state laws or this policy.
1.4  All traditional freshmen, sophomores, and other students under the age of 21 are prohibited from the possession and consumption of alcohol. All students are prohibited from the use and possession of illegal drugs. In addition, student organizations sponsoring events where alcohol is present are subject to the additional requirements and guidelines of the University’s Social Events policy and registration form. Students or student organizations found to be in violation of this Policy may be subject to corrective action, which may include alcohol and/or other drug education, mandated evaluation and treatment, community service, suspension, and dismissal. Individuals may also be reported to authorities for criminal prosecution or other appropriate action.

1.5  All student or student organization violations of the University Alcohol and Drug Policy will be handled by the Office of the Dean of Students and follow the adjudication, sanctioning and appeal processes for alcohol violations contained in the Code of Student Conduct.

1.5.1  **Community/common source alcohol.** Except as may be otherwise specifically authorized by this Policy, community alcohol, common sources of alcohol and "tap" systems are prohibited. This includes, but is not limited to, kegs, beer balls, punch bowls used to mix or serve alcohol, mixed drinks/cocktails, and/or beer/wine provided on behalf of a student organization to other persons at a social event. Drinking games and rapid consumption techniques and devices (e.g., flip cup, beer pong, quarters, funnels, power hour, whoop juice, card games, shots, etc.), mixed drinks/cocktails and beer/wine provided to other persons are strictly prohibited and violate this policy.

1.5.2  **Penalty for providing community or common source alcohol.** The University has determined that students or student organizations that provide “community alcohol” or “common source alcohol,” in any of its forms, constitutes a clear and present danger to others and is strictly prohibited. A violation of this policy by an individual or organization, as adjudicated under the Code of Student Conduct, may result in the most severe sanctions or penalties, up to and including expulsion or dismissal of an individual, and complete suspension or dismissal of a student organization. The penalties shall be determined by the sanctioning official in accordance with the Code of Student Conduct. Further, a violation of this Policy may also result in an interim suspension in accordance with the Code of Student Conduct.

1.5.3  Sanctions are appealable as provided in the Code of Student Conduct.

1.5.4  The Family Educational Rights and Privacy Act (FERPA) has given colleges/universities the option to notify parents or guardians about specific types of information from a student’s conduct record. The office of the Dean of Students may notify parents/guardians the first
time and any subsequent time a student is found to have violated Code of Student Conduct policies on the use or possession of alcohol or other illegal substances if he/she is under the age of 21.

1.6 Amnesty -- Student health and safety are primary concerns in cases of possible alcohol intoxication, alcohol-related injury or drug overdose. If a student on campus becomes endangered by alcohol or drug use, students should contact Emergency Medical Services (EMS), the duty of which is to provide medical assistance, not to report violations of policy. In these situations, the University is most concerned that students who need care receive medical attention. Any student may seek emergency medical assistance or University Police Department (UPD) assistance or bring an intoxicated or drug impaired person to University Health Services. Neither the impaired student nor the student providing assistance will face disciplinary action for the possession, use, or provision of alcohol (see exception below) or the possession or use of other drugs, if the student seeking amnesty completes a mandatory follow-up with the Dean of Students (or his/her designee, which may include The University of Southern Mississippi Counseling Center or Wellness Center). Amnesty does not apply to other prohibited conduct, such as assault (physical or sexual), violence, property damage, provision of alcohol to persons under 21, or distributing dangerous substances (whether legal or illegal). Failure by a student, student organization, or responsible University entity to call EMS or UPD when faced with an alcohol or other drug related emergency is a serious violation and may be sanctioned with restrictions, suspension, or expulsion. To receive amnesty, a student must initiate a request for assistance before being confronted by The University of Southern Mississippi for possible alcohol or drug violations. Students may receive amnesty on more than one occasion. Because cooperation is crucial during emergency responses, any interference with EMS, UPD or others trying to provide care to an injured person is unacceptable and will be severely sanctioned. An intoxicated or drug-impaired student who is belligerent towards emergency responders will not receive amnesty.

1.7 Additional Regulations. Any alcohol served and consumed on any University of Southern Mississippi campus must be done in a safe and responsible manner subject to the following additional regulations.

1.7.1 Driving Under the Influence. Driving under the influence is strictly prohibited on any University of Southern Mississippi campus or in any University owned, leased or borrowed vehicle by students, employees or visitors of The University of Southern Mississippi.

1.7.2 Alcoholic beverages shall not be provided under any circumstances to any person under the age of 21 or to anyone who is disorderly, visibly intoxicated, or known to be a habitual drunkard. Groups are considered in violation of this policy if they facilitate the consumption or acquisition of alcohol by anyone under the age of 21.
1.7.3  No person under 21 years of age may misrepresent her/his age for the purpose of obtaining alcoholic beverages, nor may a person assist another in such a misrepresentation.

1.7.4  Proof of age must include presentation of a valid American driver's license or non-driver identification card, a valid passport, or a valid identification card issued by the United States Armed Forces. No person under 21 years of age shall provide false or written evidence of age for the purpose of attempting to consume or purchase alcoholic beverages.

1.7.5  No person under the age of 21 may possess any alcoholic beverage with the intent to consume it.

1.7.6.  Actions or situations that involve forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization are prohibited.

1.7.7.  Alcohol may not be brought in glass containers to on-campus Bring Your Own Beverage (“BYOB”) events. BYOB events may include only beer, sparkling wine and wine coolers. Hard liquor, as defined herein, is specifically prohibited under any circumstances. No individual may possess more than six cans at a BYOB event. Each can may not exceed 12 ounces.

1.7.8.  Alcoholic beverages may not be served (sale of drinks, admission charged, donations solicited, etc.) without the appropriate license or permit.

1.7.9.  Alcohol that is not specifically manufactured for human consumption may not be offered, served, or consumed in any form (e.g., diluted or undiluted, or as an ingredient in punches or other admixtures) under any circumstances.

1.7.10.  The theme of all events where alcohol is allowed must be primarily social, cultural, or educational, and not the availability of alcohol. Language stating that double proof of age is required for consumption of alcoholic beverages must appear in all promotional material. No other mention or depiction of alcohol is permitted.
1.7.11. Ample quantities of food and appealing nonalcoholic beverages must be continuously provided and visibly displayed during the event.

1.7.12. There may be no games of chance, drinking games, contests, "happy hours," or other activities that induce, encourage, or result in the consumption of alcohol.

1.7.13. Kegs or other bulk containers of alcoholic beverages are not permitted. The possession, use, or storage of such containers is considered "community alcohol" and is strictly prohibited.

1.7.14. Those who serve alcohol under an appropriate license or permit, and those who check proof of age for any student-organization sponsored social event, may not consume alcohol during the event. Additionally, prior to the event, the sponsoring organization must designate an additional non-drinking individual to serve as a proctor and who will be present during the event to assist in its management.

1.7.15. Those who serve alcohol (with an appropriate license or permit) or those who consume alcohol at any University event must be at least 21 years of age.

1.7.16. Application for approval of events where alcohol is to be consumed must be made by an appropriately authorized representative of the sponsoring organization or group. This person must be at least 21 years of age.

1.7.17. All student events where alcohol is to be consumed require written approval by student organization advisers, student activities officers, or other recognizing body. The approving officer must meet with the organizer(s) of the event prior to approving same and discuss in detail the applicable provisions of this policy including: proctoring, health issues related to alcohol consumption, availability of food and alternative nonalcoholic beverages, event management, and any requirements relative to the location of the event or the policies and procedures of the recognizing office. Signature of approval will constitute an assertion of compliance with this provision.

1.7.18. Student events where alcohol will be consumed may not be publicized until the event is approved by the appropriately recognized adviser or sponsor of the organization.
1.7.19. Where there is reason to believe that attendees may include persons under 21, individuals must present double proof of age before being served alcoholic beverages. A valid University of Southern Mississippi ID card may constitute the second proof of identification. Such events require proctors as directed by the University in § 1.5.14.

1.7.20. Officers of student organizations are responsible for the implementation and enforcement of these policies. Officers are also responsible for educating their membership, guests, alumni, and incoming officers about these policies. Violations will result in disciplinary action against the responsible individuals and the organization, up to and including loss of University recognition, suspension, expulsion and loss of housing status.

1.7.21. Recognized student organizations may not serve or provide a common supply of alcohol by purchasing alcohol with organizational funds or facilitating the purchase of alcohol in any other manner (i.e. bar tabs, use of personal checking accounts, pooling of funds, giving one or more members a break on organizational dues and expenses, etc.).

1.7.22. Off-campus alcohol use. Students who violate federal, state and local laws off campus may still be held accountable by the Dean of Students Office in appropriate circumstances.

1.7.23. Consumption of alcohol at events sponsored by a Greek-letter organization is governed additionally by these specific provisions, as well as by any additional requirements as directed by the Director of Greek Life:

1.7.23.1. Alcohol of any kind is not permitted at any new member event.

1.7.23.2. Student organization funds may not be used to purchase alcoholic beverages, nor are members allowed to pool money or resources to purchase alcoholic beverages.

1.8. Violations by Invitees/Visitors. Any invitee or visitor who engages in prohibited conduct may be barred from further work for the University, access to the University or from participating in other University-related activities as may
be permitted by law. Further, such entity may be reported to authorities for criminal prosecution or other appropriate action.

1.9. Special Requirements for Employees Engaged in Federal Contracts and Grants. The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, subtitle D) and HR Employee Policy Retrieval Number 9003 require that University employees directly engaged in the performance of work on a federal contract or grant shall abide by this Policy as a condition of employment and shall notify the University within five days if he/she is convicted of any criminal drug statute violation occurring in the workplace or while on University business. The University is required to notify the federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in an approved drug-abuse assistance or rehabilitation program.

2. Controlled Substance and Alcohol Testing
2.1. Commercial Motor Vehicle Drivers. Persons employed as commercial motor vehicle operators who are governed by the United States Department of Transportation and/or Mississippi Department of Transportation regulations are subject to drug and alcohol testing under procedures developed by the Department of Human Resources in compliance with the Omnibus Transportation Employee Testing Act of 1991, (OTETA).

2.2. Maritime Vessels. Persons employed as licensed operators or crewmembers of a maritime vessel are subject to drug and alcohol testing in compliance with Title 46 Code of Federal Regulations (CFR) Parts 4 and 16.

2.3. Testing. The University of Southern Mississippi shall conduct alcohol and controlled substances testing of all applicants for employment in positions requiring a commercial driver's license and positions as a licensed operator or crewmember of a maritime vessel and current employees whose university employment requires them to possess a commercial driver's license or are employed as a licensed operator or crewmember of a maritime vessel.

2.4. When Testing Conducted. Testing will be conducted pre-employment, randomly, when there is reasonable suspicion, and post-accident, if driving a University vehicle or operating a maritime vessel.
2.5. **Penalty.** Employees whose test results confirm prohibited alcohol concentration levels or the presence of a controlled substance or an illegal drug as defined by OTETA will be terminated.

2.6. **Defense Contracts.** Department of Defense regulations require the University to establish programs to test employees and final applicants for illegal drug use if they will work in sensitive positions on Department of Defense contracts. The University will determine appropriate tests based on the nature of the work being performed, the employee’s duties, the efficient use of University resources, and the risks to public health and safety and national security that could result if the employee fails to perform the duties of the position adequately.

2.7. **Intercollegiate Athletics.** Student-athletes who participate in intercollegiate sports will be subject to drug and alcohol testing under National Collegiate Athletic Association regulations in testing programs developed by the University’s Department of Intercollegiate Athletics as set forth in the Department of Intercollegiate Athletics Drug Testing and Intervention Program which can be found in the Student-athlete Handbook.

2.8. **Employee Reasonable Suspicion Drug and Alcohol Testing.** Any employee of the University may be subjected to reasonable suspicion drug and alcohol testing under procedures developed by the Department of Human Resources and approved by the President of the University or his or her designee which may include a testing program pursuant to Sections 71-7-1, et seq., of the Mississippi Code of 1972, Ann., entitled “Drug and Alcohol Testing of Employees” (hereinafter referred to as “the Act”), and you are hereby advised of the existence of said Act.

2.9. **Procedures.** These procedures must, at a minimum, provide that the decision to conduct reasonable suspicion testing will be made jointly by a supervisor who believes reasonable suspicion exists and a representative of the Department of Human Resources. Further, in all cases, reasonable suspicion testing must be authorized by an appropriate University employee or other individual designated by the University who has been trained to recognize physical or behavioral symptoms commonly attributed to the use of drugs or alcohol.

2.10. Testing based on reasonable suspicion of drug and alcohol use means drug and alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific facts and reasonable inferences drawn from those facts, and may be based upon, among other things:
2.10.2. Observable phenomena, such as direct observation of drug or alcohol use while working or while on the University premises;

2.10.3. A report of drug use provided by reliable and credible sources and which has been independently corroborated;

2.10.4. Evidence that an individual has tampered with a drug and alcohol test during employment with the University;

2.10.5. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on the University premises or operating a University vehicle, machinery, or equipment.

2.11. An employee to be tested shall be given (1) a medication disclosure form to permit the employee to disclose any non-prescription or prescription medications that have been taken within the last forty-five (45) days which may result in a positive test result, and (2) a statement that the form shall be submitted directly to the laboratory in order that the University has no access to the information disclosed on the form. The procedure for submission of the form shall ensure that no person other than the laboratory has access to the information disclosed on the form.

2.12. **Public Safety Employees.** Employees performing public safety duties may be subject to drug and alcohol testing procedures as authorized by the President of the University or his or her designee and developed and implemented by the Chief of the University Police Department. This testing may include, but is not limited to, pre-employment testing, post-accident testing, return-to-duty testing, random and follow-up testing.

2.13. **Confidentiality.** The University will take reasonable measures to ensure individual privacy under this policy including, but not limited to, keeping all drug and alcohol test results confidential to the maximum extent possible. To that end, all information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the University through its drug and alcohol testing program relative to Sections 71-7-1, *et seq.*, of the Mississippi Code of 1972, Ann., entitled “Drug and Alcohol Testing of Employees” are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and this policy. Any information obtained by the University pursuant to the Act and these regulations shall be the property of the University. The University shall not release to any other person other than the applicant, or employer medical, supervisory or other personnel, as designated by the
University on a need to know basis, information related to drug and alcohol test results unless:

(a) the employee or job applicant expressly, in writing, granted permission for the University to release such information;
(b) it is necessary to produce a confirmed test result into an administrative hearing under applicable state law or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or the information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal government contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or
(c) there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

The confidentiality provisions provided for by the Act shall not apply to other parts of an employee’s or job applicant’s personnel or medical files. If an employee refuses to sign a written consent form for the release of information to persons as permitted by the Act, the University shall not be barred from terminating or disciplining the employee.

**Review**

The Provost and Senior Vice President for Academic Affairs and the Vice President for Student Affairs and Vice Provost are responsible for review of this policy every four years, or when circumstances warrant.

**Forms/Instructions**

N/A

**Appendices**

N/A

**Related Information**


**History**

August 19, 2014 – Policy adopted by the Executive Cabinet.
July 18, 2017 - Policy substantially amended.
Authorization

Title: Alcohol and Drug Policy
Policy number: Pres-PR-001

RECOMMENDED BY:

[Signature]
Responsible University Administrator (Provost and Senior Vice President for Academic Affairs)

[Signature]
Responsible University Officer (Vice President For Student Affairs and Vice Provost)

REVIEWED BY:

[Signature]
Director of Compliance and Ethics

[Signature]
Office of General Counsel

APPROVED:

[Signature]
President

August 9, 2017
Date

8.9.17
Date

8/14/17
Date

8/14/2017
Date

8.10.17
Date