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.

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.

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 any person taking one or more classes for academic credit.

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 participate in and satisfactorily complete an Employee Support Program 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 student conduct regulations prohibit the unlawful possession, use, or distribution of alcohol and other drugs by students and student organizations. The regulations also prohibit other alcohol-related misconduct. 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. In accordance with residence life and housing policy, alcohol is not permitted inside student housing. 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.

All traditional freshmen, sophomores, and other students under the age of 21 are prohibited from 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
requirements and guidelines of the University’s Social Events policy and registration form. Students 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/or expulsion up to and including dismissal, as set forth in the University of Southern Mississippi Code of Student Conduct and Disciplinary Conduct. They may also be reported to authorities for criminal prosecution or other appropriate action.

Student fraternal organizations sponsoring events where alcohol is found to be present are subject to the additional requirements and sanctions of the University's Gold Book of the Greek Life Office of The University of Southern Mississippi, www.usm.edu/institutional-policies/policy-stua-gl-001.

**Community alcohol.**

The presence of “community alcohol” including, but not limited to drinking games and rapid consumption techniques and devices (e.g., flip cup, beer pong, quarters, funnels, power hour, whoop juice, card games, shots, etc.) violate this policy. All individual student violations of the University Alcohol and Drug Policy will be handled by the Office of the Dean of Students and follow its sanction process for alcohol violations, while fraternities and sororities found in violation of community alcohol will receive the following minimum sanctions:

**A. First Offense:** Required alcohol/drug education program and community service for the entire chapter, including associate members, and probation for the remainder of the current semester and the following fall or spring semester. Probation extends through any intervening terms or institutional breaks.

**B. Second Offense While on Probation:** Suspension of the organization’s social activities to take place immediately and to remain in effect for at least one complete fall or spring semester following the effective date of the suspension, including any intervening terms or institutional breaks.

The minimum sanctions are not appealable. Prior issues or citations concerning alcohol will be considered in making additional sanctions.
The Family Educational Rights and Privacy Act (FERPA) has given colleges/universities the option to notify parents/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 Conduct policies on the use or possession of alcohol or other drugs when he/she is under the age of 21.

1.3 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.

1.4 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.

2.0 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. Pursuant to HR Policy Retrieval Number 1020, and in compliance with the Omnibus Transportation Employee Testing Act of 1991, (OTETA), The University of Southern Mississippi shall conduct alcohol and controlled substances testing of all applicants for
employees in positions requiring a commercial driver’s license and current employees whose university employment requires them to possess a commercial driver’s license. Testing will be conducted pre-employment, randomly, when there is reasonable suspicion, and post-accident, if driving a University vehicle.

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.

2.2 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 Defense Department 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.

2.3 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.

2.4 Employee Reasonable Suspicion Drug and Alcohol Testing

All employees of the University may be subject 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.

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.

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:

(a) Observable phenomena, such as direct observation of drug or alcohol use while working or while on the University premises;
(b) A report of drug use provided by reliable and credible sources and which has been independently corroborated;
(c) Evidence that an individual has tampered with a drug and alcohol test during employment with the University;
(d) 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.

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.

2.4 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.

2.5 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 Vice President for Finance and Administration and the Vice President for Student Affairs are responsible for review of this policy every four years, or when circumstance warrant.

**Forms/Instructions**

N/A

**Appendices**

N/A

**Related Information**


**History**

**Amendments:** Month, Day, Year – summary of changes
August 19, 2014 – Policy adopted by the Executive Cabinet.
Authorization

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

RECOMMENDED BY:

[Signatures and dates]

RESIGNED BY:

[Signatures and dates]

REVIEWED BY:

[Signatures and dates]

APPROVED:

[Signatures and dates]