

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

9.1.6

**Employee Drug and Alcohol Abuse Policy**

**10/5/2020**

### **Policy Statement**

Employee Drug and Alcohol Abuse Policy  
#CofC.HR.DA.03 Revised 12/2001

The Drug-Free Schools and Communities Act

The Drug-Free School and Communities Act, Public Law 101-226, requires that as a condition of receiving funds or any other form of financial assistance under any federal program, all institutions of higher education must adopt and implement programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The College of Charleston has such programs in place. In addition, the College is developing a program to comply with the new federal regulations which require as of January 1, 1995, drug and alcohol education and testing of employees whose job requires them to have a Commercial Driver's License.

The policy below, Employee Drug and Alcohol Abuse Policy, is a description of College policies and programs and a statement of information required to be distributed annually to all employees under the Drug-Free Schools and Communities Act. It contains information the College also is required to provide under the Drug-Free Workplace Act of 1988, Public Law 100-690, and the State of South Carolina Substance Abuse Laws,

It is important that all employees are aware of the information contained in the below document and understand that the College is committed to maintaining a drug-free campus for its employees and students.

Please read this document carefully. If you have any questions, you should call the Office of Human Resources at 3-5512.

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE OF CHARLESTON. THE COLLEGE OF CHARLESTON RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY AND PROCEDURE, IN WHOLE OR IN PART.

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## **Policy Manager and Responsible Department or Office**

Human Resources, Academic Affairs, Legal Affairs

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## **Purpose/Reason for the Policy**

The College of Charleston is dedicated to the pursuit and dissemination of knowledge. The illegal or abusive use of drugs or alcohol by members of the campus community jeopardizes the safety of the individual and the campus community, and is adverse to the academic learning process. The College of Charleston is therefore committed to having a campus that is free of the illegal or abusive use of drugs and alcohol. In keeping with this commitment, it is the policy of the College that the illegal or abusive use of drugs or alcohol is prohibited on College property or as part of College activities.

In order to inform all College employees of their responsibilities under this policy, and to meet the College's responsibilities as set forth in the Federal Drug Free Workplace Act of 1988, Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, and the South Carolina Code of Laws as amended concerning alcoholism the following information is provided:

- I. Prohibited conduct
- II. Employee's Disciplinary sanctions.
- III. Applicable legal sanctions under federal, state and local laws.
- III. Health risks associated with the use of illegal drugs and the abuse of alcohol.
- IV. Drug and alcohol information and treatment program resources.

### **I. PROHIBITED CONDUCT**

The following policies and rules are consistent with those mandated under the Federal Drug Free Workplace Act of 1988, and the State of South Carolina Code of Laws. In an effort to provide a drug-free workplace and environment, the College of Charleston prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance in the workplace. The term controlled substance refers to all illegal drugs and to legal drugs used without a physician's order as further delineated in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812). It does not prohibit taking prescribed medication under the direction of a physician.

All College of Charleston faculty and staff members, as a condition of their employment, must abide by the terms in this policy.

(1) When the College learns or suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the College shall take appropriate action in accordance with the Code of Conduct.

(2) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

(3) In addition, those faculty and staff members engaged in the performance of a federal grant or no later than 5 days after such conviction. The supervisor or department head must then promptly report contract will notify their supervisor or department head of any criminal drug convictions in the work place the violation to the Office of Human Resources. Within 10 days of the reported conviction, the College must provide written notice to any federal sponsor of grants or contracts on which the convicted employee was working. Possible penalties for failure to comply include suspension or termination of specific grants or even debarment of the entire College from the receipt of federal funds. The College of Charleston as a matter of policy, prohibits the unlawful manufacture, distribution, dispensation, possession or use of controlled substances and illegal drugs by students and employees as set forth in the State of South Carolina Code of Laws, Section 44-53-110 et seq; possession or sale of drug paraphernalia (such as roach clips, bongs, water pipes, cocaine spoons) Section 44-53-110 and Section 44-55-391; the non-prescribed use of anabolic steroids and other prescription drugs Section 44-53-1510 et seq; and the distribution or delivery of an imitation ("look alike") non-controlled substance represented as a controlled substance as defined in Section 44-53-390.

#### I. a. Alcoholic Beverages on College Premises

The Office of the President controls the use, possession or distribution of alcohol by employees on College premises at College- sponsored activities. This policy prohibits the possession or use of alcohol by any person under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21.

#### I. b. Policy on Possession or Use of Common Containers of Alcohol

##### I. Prohibited Conduct

The College prohibits the possession or use of kegs, punch bowls, and other common containers of alcoholic beverages of a similar nature on College property, except for possession and use as authorized by the Office of the President and its agents.

##### II. Disciplinary Sanctions

The College may take appropriate disciplinary and/or legal action against any individual found in violation of this policy. If the individual is a student or an employee of the College, additional administrative penalties may also be taken.

## II. EMPLOYEE'S DISCIPLINARY SANCTIONS

(1) If an employee reports to work under the influence or while at work is subsequently found to be under the influence, action will be taken in accordance with the College's Code of Conduct.

(2) If an employee is found to be drinking alcoholic beverages or using drugs on the job the employee shall be dismissed. (3) Disciplinary action for conviction of a felony will be conducted in accordance with the Code of Conduct.

(4) General Sanctions. Any employee found to be in violation of any of the provisions of this policy shall be subject to disciplinary action under the College's Code of Conduct and applicable penalties contained in Article 64A of the Annotated Code of South Carolina. Disciplinary action includes sanctions up to and including termination. As a condition of continued employment, the College will require an employee to successfully participate in a drug abuse assistance or rehabilitation program in accordance with the Employee Assistance Program.

### III. LEGAL SANCTIONS UNDER FEDERAL, STATE AND LOCAL LAWS RELATING TO ALCOHOL AND DRUG USE

Employees at the College of Charleston are subject to federal, state, and local laws for the possession and distribution of illegal drugs.

Federal law states that it is unlawful to possess a controlled substance, including marijuana, cocaine, LSD, PCP, heroin, designer drugs, etc. (Federal Law, Title 21 USCA, Sections 841 and 844 to 845). If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from 5 to 20 years. For other illegal drugs, the penalty for simple possession is a fine of at least \$1000 and/or imprisonment up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be liable for an amount up to \$10,000 in civil penalties.

In addition to Federal laws, the State of South Carolina has its own laws dealing with distribution, manufacturing, and possession of controlled substances. For instance, any person who unlawfully manufactures or distributes any narcotic drug may be fined up to \$25,000 and may be imprisoned for up to 20 years for a first offense. (See Chapter 53, Title 44 of the South Carolina Codes of Laws, as amended. Copies are available in the Robert Scott Small Library, the Public Safety Dept., the Office of Counseling and Substance Abuse Services and the Office of Student Affairs. You may also call the South Carolina Commission on Alcohol and Drug Abuse Drug Information Access Line – 1-800-942-DIAL.)

Employees at the College of Charleston are subject to state and local laws for drinking and obtaining alcohol. It is illegal in the State of South Carolina for any person under 21 to drink alcohol. It is also illegal for a person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21. The penalty is a fine of up to \$200 and suspension of driver's license for a period of ninety days for a first

offense. It is also illegal to consume alcohol on any public property or highway, unless authorized by the governmental entity that has jurisdiction over the property, with penalties including a fine of up to \$100.

Employees are also subject to state and local laws governing drinking and driving. A person may not drive or attempt to drive while intoxicated or under the influence of alcohol. Any individual with a Blood Alcohol Concentration (B.A.C.) of 0.10% or more will result in a violation of Driving Under the Influence of Alcohol. With a BAC level less than 0.10%, the BAC may be considered with other evidence and the person may be charged with a DUI. Any of these violations will result in fines, imprisonment, or both. It is also unlawful to drive while under the influence of any Controlled Dangerous Substances whether or not they are illicit (prescribed or unlawfully obtained). A person can still be charged with these violations even though they possess a driver's license from another state.

#### IV. HEALTH RISKS

Substance abuse, that is abuse of alcohol and drugs, is now recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospitals and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This includes deaths from stroke, diseases of the heart and liver, and all alcohol and drug related suicides, homicides, and accidents. Early detection can minimize or prevent the devastating consequences of substance abuse. For more information check out the Center for Student Wellness website for Alcohol and Drug information links.

#### V. DRUG AND ALCOHOL PROGRAM RESOURCES Alcohol and Drug Information Service.

This service is housed in the Office of Counseling and Substance Abuse Service within the Center for Student Wellness. Pamphlets, professional journals, books, and videotapes are available for use. Some items may be checked out. For more information call 953-5640.

#### The Employee Assistance Program

The EAP is a free and confidential assessment, referral, and short-term counseling service available to all C of C employees. Alcohol and drug problems represent 30-50% of the employees utilizing this service. Other problem areas addressed include: family, marital, mental health, financial, legal, job, and many others. A professional assessment is conducted and referrals made to reputable community resources that are financially and geographically feasible, and that will not interfere with the employee's work schedule. In appropriate situations, short-term counseling is provided instead of a referral. Campus employees who are concerned about a family member, friends, or colleague with a possible substance abuse problem are also encouraged to contact this program. Call the Office of Human Resources for more information.

#### South Carolina Department of Alcohol and Other Drug Abuse Services (SCDAODAS)

This program provides resource materials on drug and alcohol issues in the form of

videos, books, journals and pamphlets through its DIAL service, Drug Information Access Line or on its SC website ([www.daodas.state.sc.us](http://www.daodas.state.sc.us)). Employees may also obtain referrals from SCDAODAS for drug and alcohol prevention and treatment programs. SCDAODAS may also provide technical assistance in setting up drug and alcohol prevention programs. Call 803-896-5555 or 1-800-942-3425 for information.

#### Alcohol/DUI Programs

The State of South Carolina requires that person convicted of Driving Under the Influence participate in its state approved program, Alcohol Driving Safety Action Program (ADSAP). These are located in each SC County, usually through the local county Department of Alcohol and Other Drug Abuse Services Department. Many states also accept this program as meeting their requirements. In Charleston County call the Charleston Center at 958-3300.

#### RESPONSIBLE ADMINISTRATIVE OFFICE

The Office of Human Resources, in consultation with the Alcohol and Drug Abuse Services Coordinator, shall be responsible for overseeing all actions and programs relating to this policy. The Director of Human Resources and the Alcohol and Drug Abuse Services Coordinator shall conduct a biennial review of the policy and its implementation to determine its effectiveness, make necessary changes and ensure that disciplinary sanctions are consistently enforced.

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#### **Departments/Offices Affected by the Policy**

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#### **Procedures Related to the Policy**

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**Related Policies, Documents or Forms**

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<b>Issue Date:</b> 12/2001 <b>Date of Policy Review:</b> 10/5/2020	<b>Next Review Date:</b> 10/8/2025
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**POLICY APPROVAL**

**(For use by the Office of the Board of Trustees or the Office of the President)**

Policy Number: 9.1.6

President or  
Chairman, Board of Trustees



**Date:** 10/5/2020