

College of Charleston Student Handbook Drug Policy 2016-2017

COLLEGE *of* CHARLESTON

STUDENT AFFAIRS

The College of Charleston reserves the right to make changes in its policies, regulations, and procedures as printed herein through normal channels. The *Student Handbook* is produced by the Division of Student Affairs.

Equal Opportunity / Affirmative Action Statement

The College of Charleston is an Affirmative Action / Equal Opportunity employer and does not discriminate against any individual or group on the basis of gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veteran status, genetic information, or disability.

Inquiries and complaints should be directed to the Office of Equal Opportunity Programs, College of Charleston, 66 George St., Charleston, South Carolina 29424, 843.953.5754.

The College's Affirmative Action Plan may be reviewed by contacting the Office of Equal Opportunity Programs or the Office of Human Resources.

Notice of Non-Discrimination

The College of Charleston is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of age, race, color, religion, national origin, sex (including pregnancy), sexual orientation, gender identity or expression, veterans' status, genetic information, disability or other category protected by applicable law in its educational programs and activities, employment or admissions. The College of Charleston also prohibits retaliation against any person for bringing a complaint of discrimination or for participating in an investigation of a complaint of discrimination.

The Office of Equal Opportunity Programs maintains additional information and policies related to the prohibition of discrimination, harassment, and sexual misconduct as well as access and equity at: eop.cofc.edu/index.php. Inquiries regarding the College of Charleston's non-discrimination policies or complaints of discrimination or harassment may be directed to the director of the Office of Equal Opportunity Programs at 66 George Street, Charleston, SC 29424, 843.953.5754 or eop@cofc.edu.

Questions about Title IX may be directed to the College of Charleston's Title IX coordinator or the deputy Title IX coordinator in the Office of Equal Opportunity Programs at: 66 George Street, Charleston, SC 29424, 843.953.5754 or eop@cofc.edu, or to the assistant secretary for the Office of Civil Rights at the U.S. Department of Education.

An electronic version of the *Student Handbook* is currently available on the World Wide Web. You can access it through the College of Charleston home page at <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php>

14. Parental Notification and Alcohol and Drug Violations

1. Achieving autonomy and acceptance of one's personal responsibility are student development goals promoted throughout every facet of collegiate life. Such goals are promoted within the Family Rights and Privacy Act (FERPA). In 1998, however, amendments to FERPA gave colleges and universities the option to notify parents or guardians of a student's violation of any federal, state, or local law, or an institutional disciplinary policy relating to the use or possession of alcohol or a controlled substance. The amendment clearly recognizes the cooperative partnership colleges have with parents and guardians that moves beyond enrollment to those times when intervention is a practical response to prevent the loss of a student's personal and collegiate goals.

2. In support of our mutual investment in the success of each student and the preservation of a climate conducive to living and learning, an official of the College will notify parents or guardians when a student under the age of 21 at the time of disclosure regarding the College's determination that the student violated federal, state or local law or College policy governing the use or possession of alcohol or a controlled substance.

19. Drug Policy

1. Introduction

The College of Charleston is concerned with both the welfare of the College community and the academic and personal development of each student. The College strives to create a healthy environment where the illegal and/or improper use of drugs does not interfere with learning, performance, or development. Abuse of drugs disrupts this environment and places at risk the lives and well-being of the members of the College community, as well as the potential for students to contribute to society. It is important for all members of the college community to take responsibility for preventing the illegal and/or improper use of drugs from negatively affecting the community's learning environment and the academic, physical, and emotional well-being of its students. Since there are numerous means by which the use of drugs may adversely affect both students and the College community, it is important that the College issue to all students a clear statement of policy concerning the illegal and/or improper use of drugs.

1.1. This policy is intended to accomplish the following:

- A. To promote a healthy and safe learning environment.
- B. To demonstrate the commitment of the College to the provision of:
- C. Education and prevention services designed to help prevent illegal and/or improper use of drugs.
- D. Early intervention and referral services related to the illegal and/or improper use of drugs.
- E. To encourage and facilitate the use of treatment and support services by those students who seek or are in need of assistance.
- F. To define expectations for student behavior with respect to the illegal and/or improper use of drugs.
- G. To identify appropriate disciplinary procedures for those students who engage in illegal and/or improper drug-related behaviors.

2. Education, Prevention, Intervention, and Treatment

2.1. The College's first obligation in dealing with drug problems is to educate the College community. This obligation is addressed by a variety of prevention and education programs which are offered, including formal and informal classes, lectures, discussions, and activities that address both drug-abuse prevention and drug-related problems. Students are encouraged to participate in the numerous campus organizations and activities which promote drug-free experiences. A list of student organizations is available in the Stern Student Center and at www.studentlife@cofc.edu. Current information about the risks and statistics related to drug use is available to students. Educational efforts also address personal intervention skills to help members of the College community to better respond to students demonstrating problems related to the use of drugs. As drug abuse is a societal issue, the College will also conduct research and offer expertise in this area as a public service.

2.2. A second responsibility of the College is to promote an atmosphere where students who have a problem with drug use will have the opportunity to seek help. Each student seeking assistance will be provided an opportunity for an individual diagnostic assessment and will be offered information on, or referral to appropriate services which address the improper use of drugs, including the misuse of prescription or over-the-counter drugs. Available services may include educational activities, structured groups, counseling, and self-help groups. Some of these services are offered on campus at no cost to the student. The cost of off-campus services is the responsibility of the student.

- A.** Students may receive assessment, counseling, and educational services from the Office of Substance Abuse Services, (Robert Scott Small Building, 3rd floor, 953-5640), or from off-campus treatment providers.
- B.** This policy is not intended to create obligations or restrictions which may interfere with the confidential nature of counseling, clinical, or therapeutic relationships. Confidentiality will be maintained in accordance with state and federal laws.

3. Violations

3.1. This policy prohibits, on or off campus:

- A.** The unlawful manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase, or use of illegal drugs or controlled substances*, including prescription medications and/or use of non-anabolic steroids.
- B.** The possession or sale of drug paraphernalia (such as roach clips, water bongs, home-made bongs, glass pipes, cocaine spoons).
- C.** The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase or use of imitation ("look alike") or synthetic substances including but not limited to substances such as K2, Spice, Bath Salts, etc.
- D.** The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, or use of psychoactive plant which produces hallucinogenic effects including but not limited to substances such as Salvia.

* The term "controlled substances" when used in this policy shall refer to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under South Carolina law.

3.2. As citizens, students have responsibility for knowing of and complying with the provisions of state law referenced above. Any student who violates any of these laws is subject to prosecution and punishment by the civil authorities as well as to disciplinary procedures conducted by the College which may precede criminal or civil proceedings. It is not “double jeopardy” for both the civil authorities and the College to proceed to sanction a person for the same specified conduct.

4. Sanctions

The College of Charleston will impose on students the following sanctions and other sanctions for proven violations of its drug policies.

The College considers any violation of the drug policy to be a serious offense. The College will respond to all reported violations of this policy in accordance with the disciplinary procedures published in the *Student Handbook*. Residential students will be referred to the Office of the Dean of Students for resolution. The sanctions imposed by the College for students found responsible for drug-related violations follow:

4.1. Distribution, dispensation, trafficking, or manufacturing illegal drugs and/or controlled substances

A. Prior to hearing -- Because acts such as the manufacturing, distributing, dispensing and trafficking of illegal drugs and controlled substances are threats and dangers to both the health and safety of the community, when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health, or welfare of herself/himself, other persons, or property, the College may immediately suspend alleged offenders prior to a hearing, in accordance with policies as published in the *Student Handbook*.

B. Following the hearing – For students found responsible for manufacturing, distribution, dispensing, or trafficking of illegal drugs (including marijuana) and/or controlled substances, the College’s response will be:

- i)** At a minimum disciplinary suspension for two years or more and at a maximum expulsion in accordance with disciplinary procedures as published in the *Student Handbook*.
- ii)** Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.
- iii)** Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- iv)** Have a parental/guardian notification letter sent concerning the violation.

4.2. Possession with intent to distribute

For students found responsible for possession with intent to distribute illegal drugs (including marijuana) and/or controlled substances, the College’s response will be:

A. At a minimum disciplinary suspension for one year and at a maximum disciplinary suspension for two years or more in accordance with disciplinary procedures as published in the *Student Handbook*.

B. Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

C. Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.

D. Have a parental/guardian notification letter sent concerning the violation.

4.3. Possession and/or use of illegal drugs and illegal possession and/or use of controlled substances

For students found responsible for the possession/use of illegal drugs (including marijuana weighing one ounce or over) and/or illegal possession/use of controlled substances (including the illegal possession/use of prescription medications and certain synthetic drugs), the College's response will be:

A. Placed on disciplinary suspension from the College.

B. Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

C. Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.

D. Have a parental/guardian notification letter sent concerning the violation.

4.4. Possession and/or use of marijuana –weighing under one ounce –

For students found responsible for *only* the possession and/or use of marijuana, for a **first** offense the College's response will be:

A. Placed on deferred disciplinary suspension from the College for not less than one semester. Deferred suspension means that the disciplinary suspension is held in abeyance as long as all other sanctions are completed by stated deadlines, all illegal substance screens/tests are negative, and there are no other violations.

B. Participate in a drug and alcohol risk reduction program and/or assessment at Counseling and Substance Abuse Services. Fees will be charged.

C. Participate in periodic drug and alcohol testing at the student's expense for not less than one semester.

D. Educational activities.

E. Have a parental/guardian notification letter sent concerning the violation.

4.5. Possession and/or use of marijuana –weighing one ounce or less—

For students found responsible for *only* the possession and/or use of marijuana, for a **second** offense the College's response will be:

A. Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.

- B. Placed on disciplinary suspension from the College.
- C. Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- D. Have a parental/guardian notification letter sent concerning the violation.

4.6. Possession and/or sale of drug paraphernalia --

For students found in violation for the possession and/or sale of drug paraphernalia, the College’s response will be:

- A. Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

4.7. The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, or use of imitation (“look alike”) or synthetic substances including but not limited to substances such as K2, Spice, etc., the College’s response will be:

- A. Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

4.8 The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, or use of psychoactive plant which produces hallucinogenic effects including but not limited to substances such as Salvia, the College’s response will be:

- A. Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

4.9 Eligibility for Financial Aid

Students found in violation of the drug laws jeopardize their ability to receive federal financial aid, College of Charleston scholarships and South Carolina Scholarships for which they might otherwise be eligible. Students can regain their eligibility to receive federal financial aid. Please contact the Office of Financial Aid and Veterans Affairs for further information.

4.10. Drug-Free Workplace Policy

The Federal Drug-Free Workplace Act of 1988 prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and the student employees, permanent or temporary, who violate this policy. Pursuant to federal and state law, the policy also requires grant or contract employees to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction. Any student employee who violates the drug-free workplace policy is subject to prosecution and punishment by civil authorities, as well as to disciplinary procedures by the College and may also be terminated from his or her position of employment by the supervising department.
