1. Purpose

The purpose of this policy is to create a safe and healthy learning and working environment that is free from the misuse and/or illicit use of alcohol and other drugs and to provide intervention services for MUSC students.  This policy follows the mandate of the Drug-Free Schools and Communities Act as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86.

1. Scope

This policy applies to all degree-seeking and non-degree-seeking students at MUSC, including distance students and/or students at any MUSC affiliate learning site. Visiting students are held accountable according to the institutional affiliation agreement between their home institution and MUSC.

1. Policy

MUSC recognizes that alcohol and other drug misuse is a preventable and treatable condition. MUSC encourages all students who misuse drugs or alcohol to seek help voluntarily and advocates for the earliest possible intervention through its Alcohol and Other Drugs (AOD) Program.  To support these efforts toward prevention and intervention, MUSC will integrate education about alcohol and other drug use into student experiences during their enrollment at MUSC.  A consistent process for addressing the use and misuse of alcohol and other drugs is outlined in the AOD Program (see Appendix A).

As an institution of higher learning, that is committed to keeping its campus communities and worksite free of alcohol, illegal use and/or misuse of drugs, MUSC is obligated to monitor for substance misuse among employees and students. This includes the right to conduct drug testing including random/scheduled surveillance testing.

A.    MUSC Alcohol and Other Drugs Program

MUSC has an established Alcohol and Other Drugs (AOD) Program to support our students and provide them with information about prevention, established early interventional programs and continued support while enrolled at MUSC.  The AOD Program identifies resources and assistance available to students and the procedural responsibilities of the University and its colleges.  See Appendix A for more details.

B.     Responsibilities of MUSC

1.     MUSC will make available to students a cost-effective health insurance policy that provides some level of coverage for the cost of chemical dependency outpatient and inpatient treatment.

2.     MUSC will make outpatient alcohol and other drug misuse counseling available to students through Counseling and Psychological Services (CAPS).

3.     The reporting process and procedures outlined in this policy will preserve program participants' confidentiality within the guidelines noted in the section Intervention" (Appendix A: Section II).

4.     MUSC respects the right to the confidentiality of recovering students and will assist them in continuing their education and employment. However, MUSC also respects the rights of patients and others and seeks to protect them from the harm impaired students may cause.  Therefore, students who fail to cooperate with the treatment plan recommended by appropriate behavioral provider(s) and/or programs are subject to corrective and/or disciplinary actions up to dismissal from the program as deemed appropriate by the Dean of the student's college.

5. Alcohol and Drug Screening. In order to protect patients and others from harm which may result from an impaired student, MUSC colleges will conduct alcohol/drugs screens at appropriate times and at an appropriate frequency. Students exhibiting behaviors that prompt reasonable suspicion that impairment exists may be mandated to undergo immediate drug and/or alcohol testing, with the cost of screening borne by the student (per iv-v below).

1. Students may be required to undergo alcohol and/or drug screening under the following conditions:
2. Per the College’s testing policy.
3. As part of a mandated evaluation required by Dean of the college or the Dean’s designee

iii. Alcohol and Drug screen is required by a clinical site.

iv. Reasonable Suspicion that an alcohol and/or substance abuse problem exists. Examples of reasonable suspicion may include unexplained absences; concern regarding drug tampering, drug diversion, arrest or conviction for an offense that directly or indirectly involves alcohol and/or drugs.

v. Reasonable Suspicion that a student is under the influence of alcohol or drugs during any on- or off-campus program/college/university activities. Examples of reasonable suspicion may include impairment or intoxication, unusual or aberrant behavior, and/or witnessed substance use.

1. Some clinical rotation sites require drug screening as a [[1]](#footnote-2)condition of starting a rotation at their site and may not accept the screening results performed by MUSC colleges. Students participating in these rotations will be required to undergo screening according to the clinical site requirements. The cost of the screening will be borne by the student unless it is covered by the clinical rotation site.

c. A student who tests positive for drug and/or alcohol use will be removed from the academic, clinical and/or laboratory activities which may pose a risk to others until subsequent drug testing is negative and/or the student is cleared to return to the academic, clinical, and/or laboratory activities. The student will be required to enter into a monitoring contract to ensure abstinence from illegal drugs and/or alcohol misuse.

d. A student who tests positive for a controlled drug (schedule 2-4) will be required to provide medical documentation from the treating provider indicating that this drug is currently prescribed for this student. If a student is impaired due to a prescription medication, the student will not be permitted to participate academic, clinical, and/or laboratory activities in which there may be risks to [[2]](#footnote-3)others.

e. A student who tests positive for a controlled drug and does not provide medical documentation from the treating provider will be referred to CAPS for evaluation and may be subject to disciplinary action by the college up to and including dismissal.

f. A student who does not report to the assigned testing site in a timely manner for drug testing (routine scheduled, random, or mandated testing) may be subject to disciplinary action for failing to report as directed.

1. Students who adulterate and/or tamper with the drug test (or attempt to) with the intent to falsify the results may be subject to disciplinary action.
2. Marijuana is a Schedule 1 drug and is illegal to purchase in South Carolina. Apart from a narrow and limited scope of codified /documented medical exceptions, it is illegal for individuals to use marijuana/tetrahydrocannabinol (THC) in South Carolina. Although cannabidiol (CBD) products may be purchased and used in South Carolina, CBD products may contain higher levels of THC than represented on packaging and use of CBD products can result in a positive drug screen for THC/marijuana.  Current drug testing methods cannot accurately ascertain the origins of THC metabolites (i.e., whether from marijuana or CBD products). If an academic program, in the interest and furtherance of its commitment to patient/student safety, requires drug testing of applicants and/or students, and a student's test result is reported as positive for THC metabolites (even if the student only used a CBD product), their ability to be accepted into the program, progress or successfully complete their program, may be negatively impacted.

6.     Although student participation in alcohol and other drug misuse programs is encouraged, participation may not prevent adverse impact on the student’s program of study and progress. Student records and communications shall be held in the strictest confidence and disclosure will only be made as required by law.

7.     Persons with a reasonable belief that a fellow student is using or misusing alcohol or drugs are encouraged to report the use/misuse.  Reports should be made in good faith and without malice.  Reports made in good faith that turn out to be unwarranted will not result in an adverse action by the University against the reporter.

8.     A committee, appointed and charged by the Associate Provost for Education Innovation and Student Life, will conduct a Biennial Review to determine the effectiveness of the University's Alcohol and Other Drugs (AOD) program and review applicable drug and alcohol-related statutes, ordinances, and institutional policies related to students found to be in violation.  This biennial report will be completed in even-numbered years.

C. Conduct and Prohibited Use

MUSC prohibits the illegal possession, use, distribution, consumption, sale, and service of alcoholic beverages, and other substances of abuse that violate local, state, or federal law or University Policy.  The University Policy is based on federal and South Carolina law, including the South Carolina Alcoholic Beverage Control Law and other applicable laws.

MUSC prohibits the following activities:

1. Illicit use, possession, or distribution of a substance in violation of local, state, or federal law, including the following:

a. Use, manufacturing, distribution, possession, sale, or storing of drugs or drug paraphernalia

b. Use of prescription medications not prescribed for the student; students are expected to use only those prescription medications that are prescribed for them within the confines of a provider-patient relationship according to South Carolina laws

c.  Possession or use, by persons under the age of 21 years, of any alcohol.

2. Consumption, manufacturing, distribution, possession, or sale of alcohol on campus other than at sanctioned events (see U-STU-009 Alcohol Service Policy)

3. Abusive use of alcohol or other legal drugs;

4.  Misuse of prescribed or over-the-counter medication;

5.  Conduct that the University deems inconsistent with maintaining a safe and healthy learning and working environment that is free from the misuse and/or illicit use of alcohol and other drugs.

D.  MUSC expects students to abide by this and related policies regarding the consumption and serving of alcoholic beverages on University property and at University events as defined in the Medical University of South Carolina Student Alcohol Service Policy. MUSC also expects students who are of legal drinking age in the state of South Carolina (i.e., 21 years of age or older) who choose to use alcohol to act responsibly and in compliance with the U-STU-002 Professionalism and Standards of Conduct for Students policy.

E.  Prohibited use is subject to criminal sanction/penalty. (See Appendix B.)

F.  Students who engage in organizing a University or college-sponsored event where alcohol is sold or served must abide by the MUSC Student Alcohol Service Policy.

G. Sanctions for Non-compliance

Students who violate this policy will be subject to corrective and/or disciplinary actions. The College will consider the health and well-being of any student who violates this policy, interests of the University, impact on the community, and other aggravating and other circumstances. The corrective and/or disciplinary action will be appropriate to the violation. Such actions that may be imposed include, but are not limited to, a restriction of privileges, participation in a behavioral monitoring program with drug/alcohol screening, mandated leave of absence, suspension, and/or dismissal. In addition, students may be referred for a mandated assessment at any of the following treatment and rehabilitation programs:

1. MUSC Counseling & Psychological Services
2. Center for Drug and Alcohol Programs at the MUSC
3. The Institute of Psychiatry and Behavioral Sciences
4. The South Carolina Recovering Professionals Program
5. Other appropriate alcohol/substance abuse treatment programs.

In addition to College imposed corrective and/or disciplinary actions, students arrested for, charged with, or convicted of violating federal, state, or local laws, involving the use, possession, manufacture, or sale of alcohol or other drugs, may be subject to criminal prosecution under federal, state, or local laws and may be subject to fines or imprisonment.

The student may petition the appropriate Dean to return or be readmitted if the student satisfies the College’s requirements following a leave of absence, suspension, or dismissal.

Where appropriate or necessary, the University will cooperate with law enforcement agencies if a student's use, possession, or distribution of a substance allegedly violates federal, state, and/or local laws.

1. Definitions for the purposes of this policy\*\*

Alcohol – a: ethanol especially when considered as the intoxicating agent in fermented and distilled liquors; b: drink (such as whiskey or beer) containing ethanol; c: a mixture of ethanol and water that is usually 95 percent ethanol

Corrective and/or disciplinary action - includes, but is not limited to, the loss of privileges, removal from classes or a clinical rotation, mandated evaluation at CAPS, participation in a behavioral monitoring program, leave of absence, suspension or dismissal

Controlled substance – Refer to the [Controlled Substance Act](https://www.dea.gov/controlled-substances-act) (CSA), which places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. Link: [Controlled Substances Act](https://www.dea.gov/controlled-substances-act)

Dean's Office - Office of the Dean of the college in which the student is enrolled or the sponsoring entity for the 'student's learning experience; responsible for maintaining documentation to include student, date, offense(s), sanction(s), and resolution.

Distribution - the unlawful sale, exchange, or giving of alcohol or other drugs to one or more persons

DFSCA - Drug-Free Schools and Communities Act

**Drug** **–**  **A.** a chemical substance used in the treatment, cure, prevention, or diagnosis of disease or used to otherwise enhance physical or mental well-being

**B.** In federal law:

**1.** any substance recognized in the official pharmacopoeia or formulary of the United States (United States Pharmacapoeia – National Formulary (USP-NF).

**2.** any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals.

**3.** any article, other than food, intended to affect the structure or any function of the body of humans or other animals.

**4.** any substance intended for use as a component of such a drug, but not a device or a part of a device.

**5.** a habit-forming medicinal or illicit substance, especially a narcotic.

Impaired - instances when an MUSC student will be considered impaired include, but are not limited to the following examples:

* The student exhibits diminished professional (i.e., academic, clinical and/or research) performance in association with the observed or alleged improper use of alcohol or drugs.
* The student poses a danger to themselves or others or displays behavior that is disruptive to the goals of the student's academic, clinical and/or research programs in association with the observed or alleged improper use of alcohol or drugs.
* The student is, or appears to the reasonable observer to be, under the influence of alcohol and/or other drugs in the classroom, clinical, or other campus or professional setting.
* The student is discovered using or is found to have possession of any illicit substance on University property or at an event which utilizes the University's name.
* The student is arrested for violating any federal, state, or local law related to the student's use, possession, manufacture, sale, or distribution of alcohol or drugs.

Misuse - improper use or illegal use of alcohol and/or drugs that may be associated with behaviors that negatively affect the student and/or others

Possession - Unlawful holding or controlling of alcohol, other drugs, or associated paraphernalia

University campus - the grounds and buildings of MUSC and its affiliates, including, but not limited to, offices, classrooms, laboratories, elevators, stairwells, restrooms, shuttle buses, shuttle bus stops, sidewalks, parking areas, meeting rooms, hallways, lobbies, and other common areas

1. Related Policies and Information\*\*

[Drug-Free Workplace](https://musc.policytech.com/docview/?docid=19162&app=pt&source=unspecified) (net ID required)

[Alcohol Service Policy](https://musc.policytech.com/docview/?docid=19248&public=true&fileonly=true&app=pt&source=unspecified)

[MUSC Student Events with Alcohol](https://education.musc.edu/students/ose/leadership-and-organizations/events-with-alcohol)  
[Responsible Hosting Guidelines](https://education.musc.edu/students/ose/leadership-and-organizations/events-with-alcohol/guidelines)  
[Alcohol Service Request Form](https://education.musc.edu/students/ose/leadership-and-organizations/events-with-alcohol/form) Information

[Engage](https://musc.campuslabs.com/engage/)

[Professionalism and Standards of Conduct for Students](https://musc.policytech.com/docview/?docid=19137&public=true&app=pt&source=unspecified)

[Alcohol Policy and Guidelines Highlights](https://education.musc.edu/students/ose/leadership-and-organizations/events-with-alcohol/highlights)

[Events with Alcohol – FAQs](https://education.musc.edu/students/ose/leadership-and-organizations/events-with-alcohol/highlights)

[Student Arrest / Charged Policy](https://musc.policytech.com/docview/?docid=21348&public=true&app=pt&source=unspecified)[Professionalism and Standards of Conduct for Students](https://musc.policytech.com/docview/?docid=19137&public=true&app=pt&source=unspecified)

[Federal Student Aid Handbook (2023 – 2024)](https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024)

[Behavioral Support and Intervention Team (BSIT)](https://education.musc.edu/students/bsit/about-bsit)

1. Applicable Laws and/or Regulations (not meant to be all inclusive)\*\*

This policy is intended to promote the University's compliance with these and other federal and state laws.\*\*

[Safe and Drug-Free Schools and Communities Act](https://www.govinfo.gov/content/pkg/USCODE-2011-title20/html/USCODE-2011-title20-chap70-subchapIV.htm)

[Drug-Free Workplace Act of 1988](https://oui.doleta.gov/dmstree/tein/tein_pre93/tein_15-90.htm)

1. References\*\*

[Counseling & Psychological Services](https://education.musc.edu/students/caps)

[Counseling & Psychological Services Forms](https://education.musc.edu/students/caps/forms)

1. Distribution and Communication Plan

In compliance with the Federal Drug Free Schools and Communities Act (DFSCA), MUSC will communicate this policy annually to all students, faculty and staff. In the same communication, MUSC will include the following information required by the DFSCA:

* Policy on Professionalism and Standards of Conduct for Students
* Applicable legal sanctions, local, state and federal laws
* List of Drug and Alcohol programs available to students
* Clear statement that MUSC will impose corrective and/or disciplinary actions and conditions of attendance on students who violate this policy, which may include loss of privileges, participation in a behavioral monitoring program, mandated leave of absence, suspension and/or dismissal from the college.

The policy, including the AOD Program, will be available on the MUSC website.

Each college will include information during orientation and in their respective handbook.

Educational leadership will be informed during regularly scheduled meetings.

1. Appendices (e.g. forms, procedures, i.e., the ""who, when, how"" the policy will be implemented, FAQs)\*\*

Appendix A: MUSC Alcohol and Other Drugs Program

Appendix B: Laws and Sanctions Concerning Drugs and Alcohol

Appendix C: Drugs of Abuse and Related Health Risks

Appendix D: Additional Resources

\* Policies become effective on the date of publication

\*\* If not applicable, enter N/A

Appendix A: MUSC Alcohol and Other Drugs Program

I. Prevention

Recognizing the importance of preventive aspects of alcohol and other drug misuse education, MUSC University and its colleges provide the following programs:

1. Curriculum

All colleges recognize the importance of educating MUSC students about alcohol and other drug misuse. At the discretion of the curriculum committees of each college, information about alcohol and/or drug use will be conveyed in courses if it pertains to that particular course of study.

B. Orientation

Each year at each college-based orientation, the Dean's Office (or designee) will inform new students about the availability of MUSC resources (e.g., Counseling and Psychological Services Center, Behavioral Support and Intervention Team, Dean's Office or Associate/Assistant Dean of Students) for students concerned about alcohol and other drug use and misuse. The Dean's Office or Associate/Assistant Dean of Students will also provide students with information about MUSC's Student Alcohol and other Drugs Policy and the Policy for Alcohol Service at Student Events which regulates and governs the serving of alcoholic beverages at MUSC sponsored or authorized student events.

C. Wellness

Students are encouraged to develop healthy lifestyles through the availability of exercise facilities, sports programs, and other health-promoting activities at the MUSC Wellness Center and University programs. The Dean's Office will provide students with information about the MUSC Wellness Center programs.

D. Social Activities

Any event for MUSC students that utilizes the University's name is required to have non-alcoholic beverages and food available on occasions when alcohol is served. In addition, any event falling within the scope of the Alcohol Service Policy must comply with the requirements specified in the policy. The service and/or use of alcohol are prohibited at any University-authorized/recognized student-sponsored and /or student-hosted event held anywhere on MUSC's campus with the exception of special circumstances (e.g., religious services) when the Associate Provost for Education Innovation and Student Life, their designee, or the College dean for college-specific events, may grant an ''exceptional” approval.

E. Other Prevention Activities

Given the MUSC campus is part of a comprehensive academic health system, other resources could be made available on an as-needed basis through consultation with other units on campus.

F. Annual Notification

This policy will be distributed annually to all students. In the same communication, MUSC will include the following information required by the Drug Free Schools Community Act: Professionalism and Standards of Conduct for Students (PSCS); applicable legal sanctions under federal, state and local laws for the unlawful possession or misuse of drugs and alcohol; information about health risks associated with alcohol and/or drug misuse; a list of drug and alcohol treatment programs available to students; and, a clear statement that MUSC will impose corrective action(s) and/or disciplinary sanction(s) on students for violations of the PSCS and a description of those sanctions; and college-specific policies on drug testing.

G. Alcohol/Drug Program Policy Review

The policy will be reviewed and assessed every 2 years by the Student Affairs Advisory Council as well as in even years by the Biennial Review Taskforce, and supporting documentation will be retained for use in the compilation of the Biennial Report in the office of the Associate Provost for Education Innovation and Student Life.

II. Intervention & Support

In the spirit of prevention and early intervention, any member of the community who is concerned about an MUSC student's use of alcohol or other drugs is encouraged to report this concern. The concerned member is directed to call 9-1-1 if the student appears to be in immediate danger to self or others.

Other options for reporting include notifying Counseling and Psychological Services (CAPS) who will reach out to the student. CAPS maintains confidentiality of the student and the community member. Information will not be shared with the Dean's Office, Behavioral Support Intervention Team, or any other person or entity, unless required by law and/or if the student provides a signed release of information.

Alternatively, a member of the community can submit a report through one of the following support services:

* Associate/Assistant Dean of Students or the Dean's Office for the College where the student is enrolled
* Behavioral Support and Intervention Team (BSIT)
* Title IX Coordinator for concerns related to alleged sexual misconduct
* MUSC Public Safety

A. When possible, the identity of the reporting source will remain confidential.

B. When made aware of a concern, the Associate/Assistant Dean of Students (or designee) will contact the student and, if appropriate, will mandate an evaluation by CAPS. The Associate/Assistant Dean of Students will contact CAPS, provide the student's name, and provide background information regarding the circumstances that led to the mandated assessment. When a student is referred to or mandated for evaluation by CAPS, the Associate/Assistant Dean of Students will provide the student with a copy of the Student Alcohol and Other Drugs Policy

C. Students who voluntarily self-report to MUSC Student Health Services or MUSC Counseling and Psychological Services (CAPS) for evaluation and/or counseling services related to alcohol or other drug use will retain their rights to confidentiality, in accordance with state and federal laws.

D. A student who is mandated to be evaluated by CAPS will retain all rights to confidentiality with the exception that CAPS will inform the Dean's Office or Associate/Assistant Dean of Students that the student reported or failed to report for evaluation. If the Dean's Office or Associate/Assistant Dean of Students requires specific information from the CAPS evaluation(s), the student will be asked to sign a release of information form authorizing CAPS staff to provide the information to the Dean's Office or Associate/Assistant Dean of Students as identified on the form. If a student who is mandated declines to sign a release of information form, the Dean's Office will determine an appropriate course of action, or other corrective and/or disciplinary action.

E. University officials cannot mandate treatment, but the college may impose corrective action and/or disciplinary sanctions and conditions of attendance on students who violate this policy, which may include loss of privileges, participation in a behavioral monitoring program which may include mandatory alcohol and/or drug testing at random intervals (at student’s expense), mandated leave of absence, and/or dismissal from the college. Eligibility for licensure may be considered when formulating an appropriate course of action. If a student does not pay for the alcohol and/or drug testing ordered, the student will not be able to register for classes for the following semester. If the student is graduating at the end of the semester and has an outstanding testing bill, they will not be able to obtain their diploma until the bill is paid.

F. If a student is mandated for assessment at CAPS and does not report for the assessment at CAPS or the department to which CAPS referred him/her, the CAPS personnel/department evaluator will contact the Dean's Office or Associate/Assistant Dean of Students. If the student does not complete the mandated assessment at CAPS or the department to which CAPS referred him/her, CAPS personnel/evaluator (even in the absence of a signed release of information form) will inform the referring Dean's Office or Associate/Assistant Dean of Students of the student's failure to appear for and/or complete the assessment.

G. If the student who is mandated for evaluation declines to sign a release of information form allowing specified information to be shared with the referring 'Dean's Office or Associate/Assistant Dean of Students the CAPS personnel/department evaluator will inform them.

H. The Dean's Office or Associate/Assistant Dean of Students, once informed by CAPS/department evaluator that a student has failed to comply with a mandated evaluation or that a student has failed to comply with an alcohol/drug/behavioral monitoring contract, will determine appropriate action. Potential actions include, but are not limited to, suspension or dismissal from the College.

I. If, due to the student's misuse of alcohol and/or drugs, the Dean's Office or Associate/Assistant Dean of Students places the student on a leave of absence or invokes some other action that interrupts the student's academic progress, the Dean's Office, upon receipt of the student's request to return to the University, will mandate the returning student undergo an evaluation at CAPS or should CAPS deem it appropriate, a department within the MUSC Institute of Psychiatry and Behavioral Sciences will conduct an evaluation that includes recommendations as to the student's suitability to return to academic and/or clinical work. The student will sign a release of information form allowing CAPS/department evaluator to share information with the Dean's Office. If the student declines to sign the release of information form, the Dean's Office will take an appropriate course of action.

J. If an MUSC student is arrested for or convicted of violating a law involving the use, possession, manufacture, or sale of alcohol or other drugs, the student must satisfy the requirements imposed by of the legal system. The Dean’s Office may make recommendations on the suitability of a student to remain enrolled independent of the final outcome of the legal system. If the Dean's Office recommends a leave of absence or dismissal, and the student has satisfied his or her legally imposed penalties and/or requirement, the student can petition the Dean's Office for readmission. If the Dean elects to readmit the student, the student will be required to enter into a program (e.g., behavioral monitoring) supervised by the Dean's Office. The Dean's Office will consult with CAPS, the Center for Drug and Alcohol Programs or the MUSC Institute of Psychiatry and Behavioral Sciences who will evaluate the student for fitness for duty and also recommend a plan to encourage the student's academic and clinical success. The College may have other requirements the student must complete prior to returning to their program of study.

K. When determining a course of action, the Dean's Office must take into consideration if the student qualifies as an individual with a disability and is encouraged to consult with the MUSC Americans with Disabilities Act Office.

III. Procedural Responsibilities

A. Reported Misuse of Alcohol and/or Drugs or Other Alcohol and/or Drug Violations: Each college will establish and maintain a process to investigate reports of alcohol and drug misuse, conduct a risk assessment, and determine appropriate action. The process will include the following elements:

* Statement regarding reasonable actions to protect individual privacy
* Notification of drug-screening practices
* Protocol to respond to a positive drug-screen
* Timely meeting with the student and the Dean's Office to include information about the MUSC AOD Program
* Assessment of the circumstances leading to the report and the associated risks to the student and the institution
* Identifying appropriate course of action
* Written notification to the student of the findings of the assessment, the determined action plan, and any corrective actions and/or disciplinary sanctions
* Maintenance of file documenting report, risk assessment, findings, and corrective action and/or disciplinary sanctions
* Process and requirements for readmission, if an option, once the student has satisfied the legal requirements and/or conditions for continuation for study
* A process for the student to appeal the decision
* Identification of the responsible party for any costs related to the recommended action plan, including, but not limited to, those costs associated with the behavioral monitoring contract to include random and/or routine drug testing

B. An MUSC student who is arrested or charged with an infraction of the law involving the use, possession, manufacture, sale, or distribution of alcohol or any other drug, is required to report this information to the Dean's Office or Associate/Assistant Dean of Students within two university/college business days of the offense. See the Student Arrest Policy.

C. An MUSC student who receives a positive drug screen as a result of a random drug screen, an MUSC pre-employment (including work-study) requirement, clinical rotation requirement, or immediate drug screen for cause must ensure that the college Dean's Office or Associate/Assistant Dean of Students is informed. Students are not required to report the results of drug screens conducted through Counseling and Psychological Services. In cases where an Authorization to Release Information is in place, Counseling and Psychological Services will notify the college in the event of a positive finding on a drug screen.

Appendix B. **Laws and Sanctions Concerning Drugs and Alcohol**

Below is a summary of South Carolina and local alcohol and drug laws.  This is not meant to be an exhaustive listing.

**I. State Laws**

1. **State Laws - Alcohol**

|  |  |  |
| --- | --- | --- |
| **STATE LAW** | **PENALTY** | **SC CODE OFLAWS SECTION** |
| Purchase, consumption or possession of beer, wine or alcoholic liquors under the age of 21 | Fine of $100 - $200 and/or imprisonment for not more than 30 days. Required completion alcohol prevention program. | § 63-19-2440 § 63-19-2450 |
| Lying or providing false information about age for purpose of purchasing beer, wine or alcoholic liquors | Fine of $100 - $200 and/or imprisonment for not more than 30 days. | § 61-4-60 |
| Open container of beer or wine in motor vehicle | Fine up to $100 or imprisonment for not more than 30 days. | § 61-4-110 |
| Purchase of beer or wine for underage person | Fine of $200 - $300 and/or imprisonment for not more than 30 days for 1st offense.  Fine of $400 - $500 and/or imprisonment for not more than 30 days for 2nd or subsequent offense. | § 61-4-80 |
| Transfer of beer or wine to underage person | Fine of $200 - $300 and/or imprisonment for not more than 30 days for 1st offense. | § 61-4-90 |
|  | Fine of $400 - $500 and/or imprisonment for not more than 30 days for 2nd or subsequent offense. | see also § 61-6-4070  May be sentenced under both statutes for same offense. |
| Altering and Fraudulent Use of Driver's License | Fine up to $200 or imprisonment for not more than 30 days for 1st offense. Fine up to $500 or imprisonment for not more than 6 months for 2nd or subsequent offense. | § 56-1-510 |
| Operation a Motor Vehicle while Under the Influence of Drugs or Alcohol or Driving with an Unlawful Alcohol Concentration | Fines and/or imprisonment vary depending on number of offenses. Also, suspension of license and required completion of Alcohol and Drug Safety program pursuant to § 56-5-2990.  Can also require installation of ignition interlock device for subsequent offender (§ 56-5-2941) | § 56-5-2930 § 56-5-2933 |
| Felony Driving Under the Influence causing bodily harm or death to someone while driving under the influence of alcohol, drugs or any combination thereof | Fine of $5,100 - $10,100 and mandatory imprisonment for 30 days - 15 years when great bodily injury results. Fine of $10,100 - $25,100 and mandatory imprisonment for 1 to 25 years when death results.  Can also require installation of ignition interlock device for subsequent offender (§ 56-5-2941) | § 56-5-2945 |
| Contributing to Delinquency of a Minor - It is against the law for any person over 18 years of age to knowingly and willfully influence a minor to violate a law or ordinance. | Fine up to $3,000 and/or imprisonment for not more than 3 years | § 16-17-490 |

1. **STATE LAW - DRUGS**

|  |  |  |
| --- | --- | --- |
| **STATE LAW – DRUGS** |  |  |
| Possession and Distribution of Controlled Substances (i.e., cocaine, crack, marijuana, etc.) | Penalty varies depending on circumstances of arrest, the drug type and the amount | § 44-53-370 |
| Possession manufacturing and trafficking of methamphetamine and cocaine based and other controlled substances | Penalty varies depending on circumstances of the arrest. | § 44-53-375 |
| Distribution of Controlled Substance within Proximity of a School | Penalty varies depending on circumstances and drug. Fines can exceed $10,000 and/or imprisonment for up to 15 years. | § 44-53-445 |
| Possession or Sale of Drug Paraphernalia | Fine up to $500 for individual. Fine up to $50,000 for corporations. | § 44-53-391 |
| Exposing of Child to Methamphetamine | 1st Offense - up to $5,000 fine and/or 5 years imprisonment  2nd or Subsequent Offense - up to $10,000 fine and/or up to 10 years imprisonment. | § 44-53-378 |
| Disposal of waste from production of methamphetamine | 1st Offense - up to $5,000 fine and/or 5 years imprisonment  2nd or Subsequent Offense - up to $10,000 fine and/or up to 10 years imprisonment. | § 44-53-376 |

1. Charleston, South Carolina – Code of Ordinances, Chapter 21: Offenses, Article VI: Offenses Against Public Health

1. Section 21-126 (selections)

(a) No person shall sell, offer for sale, give away, bargain, trade, distribute in any manner, transport, use, prescribe, possess, knowingly keep, conceal or allow on premises under his control one ounce or less of marijuana or ten (10) grams or less of hashish.

2. Section 21-127 (selections)

(a) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to sell or deliver, paraphernalia.

B. Charleston, South Carolina – Code of Ordinances, Chapter 21: Offenses, Article VIII: Offenses Against Public Morals

1. Section 21-163 – Public Intoxication

No person shall be intoxicated in a public place, whether such intoxication results from alcohol, drugs or other intoxicants.

**II. Federal Laws and Penalties**

[Drug Scheduling and Penalties](https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties)

****(****This is a United States Government, Drug Enforcement Administration (DEA) website)

1. Federal trafficking penalties

<https://www.dea.gov/documents/2017/06/15/drugs-abuse>

<https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf> (page 30)

1. Federal trafficking penalties – marijuana

<https://www.dea.gov/documents/2017/06/15/drugs-abuse>

<https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf> (page 30)

III. Other Resources

* [South Carolina Judicial Department:  Summary Court Judges Bench Book (](https://www.sccourts.org/summaryCourtBenchBook/)Crimes and Offenses:  Section A.  Alcoholic Beverages and Section J. Poisons, Drugs, and Other Controlled Substances)
* Federal trafficking penalties are listed on pages 38 - 39 in the [DRUGS OF ABUSE I, 2022 EDITION: A DEA Resource Guide](https://www.dea.gov/sites/default/files/2022-12/2022_DOA_eBook_File_Final.pdf).
* [Institutional Eligibility and Administrative Requirements – Student Consumer Information](https://ifap.ed.gov/federal-student-aid-handbook/12-03-1999-institutional-eligibility-and-administrative-requirements)
* [The Americans with Disabilities Act](https://www.ada.gov/)

**Appendix C: Drugs of Abuse and Related Health Risks**

[DRUGS OF ABUSE I, 2022 EDITION: A DEA Resource Guide](https://www.dea.gov/sites/default/files/2022-12/2022_DOA_eBook_File_Final.pdf)

[Drug Index](https://www.campusdrugprevention.gov/drugs) **- a one-stop reference for everything related to drugs -- from their appearance, paraphernalia, effects on the body, and more. **(****This is a United States Government, Drug Enforcement Administration (DEA) website)

[Drug Scheduling and Penalties](https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties)

**(**This is a United States Government, Drug Enforcement Administration (DEA) website)

**Appendix D: Additional Resources**

[Campus Drug Prevention](https://www.campusdrugprevention.gov/)

**The Drug Enforcement Administration (DEA) is pleased to provide institutions of higher education and their surrounding communities with these resources to prevent drug abuse among college students. We are committed to promoting the importance of prevention and its role in helping ensure the health and safety of our nation's colleges and universities.**

[Coalition of Higher Education Associations for Substance Abuse Prevention](http://coheasap.myacpa.org/) **(CoHEASAP) CoHEASAP is a coalition of higher education associations and organizations that seek to eradicate the abuse of alcohol, tobacco, legal and illegal drugs and other substances among college students.**

[College Drinking Prevention (NIAAA)](https://www.collegedrinkingprevention.gov/)

**This is the National Institute on Alcohol Abuse and Alcoholism's one-stop resource for comprehensive research-based information on issues related to alcohol abuse and binge drinking among college students.**

[National Center for Safe Supportive Learning Environments (ED)](https://safesupportivelearning.ed.gov/)

**The National Center on Safe Supportive Learning Environments is funded by the U.S. Department of Education's Office of Safe and Healthy Students to help schools and communities address issues such as bullying, harassment, violence, and substance abuse. The Center provides training and support to Department of Education grantees, school and district administrators, institutions of higher education, teachers, support staff at schools, and communities, and seeks to improve schools' conditions so all students have the opportunity to realize academic success in safe and supportive environments.**

[Screening, Brief Intervention, and Referral to Treatment](https://www.samhsa.gov/sbirt)

**Screening, Brief Intervention, and Referral to Treatment (SBIRT) is an approach to the delivery of early intervention and treatment to people with substance use disorders and those at risk of developing these disorders. The Substance Abuse and Mental Health Services Administration offers this website to provide information and resources related to SBIRT.**

[Strategic Prevention Framework (SAMHSA)](https://www.samhsa.gov/resource/ebp/strategic-prevention-framework)

**The Substance Abuse and Mental Health Services Administration's Strategic Prevention Framework (SPF) is a planning process for preventing substance use and misuse. Prevention professionals use the SPF as a comprehensive guide to plan, implement, and evaluate prevention problems.**

1. [↑](#footnote-ref-2)
2. [↑](#footnote-ref-3)