



2024 Biennial Review Report

Alcohol and Other Drug Initiatives and Policies
Academic Years 2022-2023 and 2023-2024

Overview

The University of South Carolina Upstate (USC Upstate) is dedicated to developing and creating a community that is free from the illegal use of alcoholic beverages and drugs.

To create an environment that is free from illegal use of alcohol and drugs, USC Upstate takes various proactive steps. USC Upstate's Student Code of Conduct and employee policies prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by students, faculty, staff, or visitors to USC Upstate, on USC Upstate-owned property and at all USC Upstate sponsored activities. USC Upstate students are also prohibited from the illegal use of drugs or alcohol whether on or off campus. The legal age in South Carolina to consume alcohol is 21. Any underage student consuming alcohol is violating standards for student conduct. Additionally, excessive alcohol use can lead to additional violations, such as driving while intoxicated or public intoxication. Health risks, educational information, and community resources associated with alcohol and drug use are discussed on our [website](#).

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) of 1989 requires institutions of higher education to certify that they have adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs by students and employees both on its premises and as part of any of its activities.

The law further requires that USC Upstate conduct a biennial review of its program to assess the effectiveness of its drug and alcohol abuse prevention programs, evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol, identify areas requiring improvement or modification, and produce a biennial report to review USC Upstate's findings.

What follows is USC Upstate's biennial review of its drug and alcohol abuse prevention programs.

Introduction to the Drug-Free Schools and Campuses Act

The Drug-Free Schools and Campuses Regulations requires that, an institution of higher education (IHE) must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. At a minimum, schools must annually distribute the following in writing to all students and employees:

- Standards of conduct prohibiting the unlawful possession, use or distribution of illicit drugs or alcohol by students and/or employees
- A description of the legal sanctions under local, state, or federal law related to the unlawful possession or distribution of illicit drugs and alcohol
- A description of any drug or alcohol counseling, treatment or rehabilitation or re-entry programs available to students and/or employees
- A clear statement that the institution will impose sanctions on students and employees, a description of those sanctions, up to and including expulsion/termination of employment, for violations of these standards of conduct

Additionally, the Drug-Free Schools and Communities Act (DFSCA), Part 86 requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an Institution of Higher Education (IHE) must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees both on the institution's premises and as part of any of its activities. If audited, failure to comply with the Drug-Free Schools and Campuses Regulations may cause an institution to forfeit eligibility for federal funding. Creating a program that complies with the regulations requires an IHE to do the following:

1. Prepare a written policy on alcohol and other drugs.
2. Develop a sound method for distribution of the policy to every student and employee each year.
3. Prepare a biennial review report on the effectiveness of its Alcohol and Other Drug (AOD) programs and the consistency of policy enforcement.
4. Maintain its biennial review report on file so that it can be submitted, if requested by the U.S. Department of Education, other entity or individual.

Overview of the Biennial Review Report

The law further requires institutions to conduct a biennial review of its alcohol/other drug prevention efforts. The following required review has two objectives:

1. To determine the effectiveness of the AOD prevention program and identify any improvements that need to be implemented.
2. To document that the institution consistently applies disciplinary sanctions for violations of its AOD-related policies.

The biennial review report should include a summary of strengths and weaknesses in the institution's prevention efforts. Most noteworthy would be the use of evidence-based programs and evaluation data showing that the institution's efforts are working. The biennial review must also include information related to the number of AOD-related

violations and fatalities occurring on the campus, as well as the number and type of sanctions imposed on students and employees for violations of the standards of conduct. Finally, the biennial review report should include a copy of the distributed policies. Note that campus officials should review the annual notification on a regular basis so that it reflects current case law and changes in federal, state, and local laws, and to ensure that the policies are reasonable, comprehensive, and enforceable. The 2024 USC Upstate Biennial Review Report follows the recommended sequence published by the Campus Prevention Network, which includes:

- A. A description of the campus officials assigned responsibility for conducting the review;
- B. The inventory of programs, policies, and enforcement procedures, with special note made of those interventions that are evidence-based;
- C. Findings from the institution's data monitoring and evaluation work;
- D. Documentation regarding the consistency of enforcement; and
- E. Recommendations for improvement.

A. Biennial Review Committee

In support of the safety and health of its students and employees, and pursuant to its obligation to conduct a biennial review of its drug and alcohol abuse prevention programs, USC Upstate has authorized an administrative review of those programs to be completed every two years. The purpose of this review is to consider whether USC Upstate is meeting its obligations under DFSCA regulations, to summarize the related policies, procedures and programs, and to recommend any appropriate enhancements to those policies, procedures, and programs.

USC Upstate's Biennial Report is coordinated through the Division of Student Affairs. The University created a standing committee of members based on their interaction with students connected to alcohol and drug use, including Sorority and Fraternity Life, Housing and Residential Life, Athletics, CARE Management, Health Services, Residence Life, and Risk Management. This group meets quarterly to evaluate programs and provide updates on programs and services.

B. Inventory of Programs, Policies, and Enforcement Procedures

The University of South Carolina Upstate is committed to providing rigorous, career relevant, and accessible education; enhancing the quality of life in the Upstate of South Carolina; and being the University of choice for faculty, staff, students, and the community.

While USC Upstate does not have an institutional goal or objective for the AOD Program, we are dedicated to the cultivation of an inclusive campus environment that advances equity, wellness, and civility, as outlined in our institutional mission. Procedures and strategies for distributing annual AOD notification to students and employees are included below.

Distribution of annual AOD notification to students and employees occur on a bi-annual basis at the beginning of the fall and spring semesters.

Regular updates to the campus inventory of all AOD prevention education policies and programming occur annually. A brief summary of programming consists of incoming 1st year and transfer student education including the campus-wide adoption of Vector Solutions Alcohol and Other Drug computer-based learning module; U101 courses in College Success, Student-Athlete AOD Education; Student Life and Department of Public Safety programs and literature specific to the dangers of alcohol and substance abuse (Spartan Safety Week, *Mocktails*, etc); residential programming in alcohol awareness; the USC Upstate Employee Policy Portal; the Employee Assistance Program (EAP); Annual Security and Fire Safety Report; the USC Upstate Student Handbook; Alcohol Awareness Email Communications; and a host of additional services supporting the health & wellbeing of students in relation to AOD education or response.

Copies of the [alcohol and drug policy](#) distributed to students and employees can be located on the [Policies and Procedures](#) page as well as the [Health Education](#) page of the USC Upstate website.

Health Education

USC Upstate is committed to providing a safe and healthy environment for students, faculty, staff and visitors. The mission of Health Education is to provide a diverse range of comprehensive health educational workshops, health promotion campaigns and supplementary health education strategies in addition to assisting students in understanding health issues that will serve as a basis for personal and professional lifestyle changes. As such, USC Upstate provides comprehensive alcohol and drug related services to all students on both the main campus and Greenville Campus. We also work to provide information to students and encourage them to address high-risk behaviors associated with heavy alcohol and/or drug use.

A student who is suspected of violating the drug policy while living in on-campus housing will be subject to immediate removal from housing as a response to violating the terms of the housing contract. Students found in violation of the drug policy jeopardize their ability to receive federal and state financial assistance for which they might otherwise be eligible.

Some of our resources include:

- Alcohol Education courses for incoming students
- Bystander training for new incoming students
- Educational seminars, presentations, and lunch and learns

Not Anymore

Not Anymore is a suite of interactive online alcohol and other drug and sexual assault prevention programs that features numerous true student testimonials to foster genuine empathy in viewers. Designed to prevent sexual assault, dating and domestic violence and stalking, Not Anymore helps your institution meet Title IX education mandates.

The responsibilities of documenting student compliance with the Not Anymore program is the Division of Student Affairs. Previously this module had not been required for new students. That position has since changed, and as demonstrated for fall 2023, first-time students had a **96% completion percentage**. More work is being done to ensure transfer completion increases as well.

Alcohol & Other Drugs

Not Anymore for Alcohol & Other Drugs is a 30-minute, reality-driven suite of interactive, online videos and tests designed to educate students on the risks of the abuse of alcohol and other drugs, and to teach successful strategies for handling dangerous situations related to these substances. Student testimonials throughout the program foster viewer empathy on these issues to help reduce the abuse of alcohol and other drugs. Topics include:

GPA, Brain, Peers, Life.

Features four modules: Your GPA, Your Brain, Your Peers and Your Life. Each section provides extensive, research-backed evidence of the detrimental effects alcohol and other drugs can have, and how social skills and interactions can help reduce harm associated with these substances.

Social norming.

Uses social norming throughout to overcome students' mistaken beliefs about their peers' use of these substances. For example, students leave the program fully informed that most students who drink do so responsibly.

Peer-based reality.

Uses peer presenters throughout and includes survivor stories and testimonials from students of similar ages who bring credence to the program's warnings.

Harm reduction.

Teaches students practical ways to reduce the risk of harm from these substances while maintaining an active social life.

University Courses in College Success

UNIV U101 - The Student in the University, UNIV U102 - Freshman Orientation, and UNIV U103 - Freshman Orientation each have curricula and education dedicated to the acclimation of freshman students to the University setting. The goal of these foundational classes is the successful transition into higher education through social, personal and academic development. Topics include study skills, time management, goal setting, careers, health and wellness, responsibility, cultural awareness, and the enhancement of the relationship between the faculty adviser and the student. Within the health & wellness

portion of the curricula, instructors deliver alcohol and other drug education as well as additional education in related areas including sexual misconduct, bystander intervention, sexually transmitted diseases, and safe sex practices, among other meaningful topics.

Athletics – Student-Athlete AOD Education

The Department of Athletics includes similar onboarding procedures to freshman students with an increased focus on alcohol, other drugs, and illegal performance-enhancing substances. These curricula are typically delivered via special speakers and or university staff. Typically, further education is coordinated throughout the specific period of time defined as “off-season” by each sport. This is a time where student-athletes spend more time focused appropriate preparation for their competitive season. This preparation includes physical health, mental health, nutrition, stress management, sexual health, financial skill-building, career readiness, among others. Woven into most of the preceding topics, alcohol and other drug information is discussed as a detriment to physical and mental performance, team culture, and accountability. Information is delivered through many different mechanisms including special speakers, educational sessions delivered by the strength staff, online modules, educational podcasts and videos, and NCAA resources.

Division of Student Affairs, Student Success, Public Safety, Residential Prevention Education

Prevention education delivered through Housing & Residential Services include programs which focus on general alcohol education and recommendations related to alcohol and other drug safety. Integrated structure exists for alcohol and other drug monitoring. When violations of AOD policy occur, the ability to communicate and create accountability with students exists appropriately.

A large amount of the AOD programming occurs on the Alcohol & Tobacco Free (ATF) theme floor. There are six (6) facilitated programs each year (2022-23, 2023-24) that are open to all students living on-campus. Example programs included Mocktails, Safety Week, Safe Spring Break Send Off, Thirsty Thursday, and others. In addition, each hall and Residence Advisor (RA) coordinates one AOD program and designs one bulletin board around AOD education.

In addition, the Department of Housing & Residential Life leadership facilitates a program with the entire staff in October (during our recognized alcohol and drug safety week) entitled Party Pursuit. The program involves teaching how to intervene with their friends when they find themselves in a precarious situation with alcohol or other drugs and mocktails are served. This supplements a safety week done each semester with residents where AOD education and safety is discussed.

Employee Policy Portal

Regular update and review of the USC Upstate [Employee Policy Portal](#) to ensure dissemination and annual acknowledgment and compliance with the Drug Free Workplace and AOD employee policies and corresponding rehabilitative resources

The Drug and Alcohol Use in the Workplace Policy can be found [here](#).

Employee Assistance Program (EAP)

The Employee Assistance Program, commonly referred to as EAP, was developed as a way for the university to support our employees through times of need. Benefits-eligible employees have access to services 24 hours a day, 365 days a year to assessment and counseling services, legal access services, online educational seminars and training, and financial services among others. In regard to AOD related compliance, employees and family have access to face-to-face counseling sessions in which a thorough assessment can be conducted by a licensed, experienced clinician in their area. Reasons to use the EAP include many different aspects which includes dense resources dedicated to alcohol and drug use/abuse and life events which are closely related to substance abuse including: marital difficulties, parenting, stress, depression, work-related concerns, or grief and loss.

Annual Jeanne Clery Disclosure Report

Continued publication and distribution of the Jeanne Clery Disclosure of Campus Security Policies, Fire Safety Report and Campus Crime Statistics report (which contains Alcohol and Substance Abuse Information and Education) applicable to students and employees.

USC Upstate Code of Student Conduct

Continued publication and distribution of the USC Upstate Code of Student Conduct which contains student grievance policies, general provisions regarding distribution consumption, and possession; subsequent sanctioning policies and educational outreach assessments.

Additional Services

Student Health Services

Provides confidential, comprehensive health care and advice to students including educating students on health risks (short and long term) of substance use and abuse. Referrals are made to the mental health counselor and to community treatment agencies. The professional medical staff provides screening and early intervention services. Any student who is evaluated in the USC Upstate Health Center and/or requires admittance for alcohol or other drug problems is referred to any number of institutional and/or external community resources.

Counseling Center

The counseling center is staffed with professionally trained and experienced counselors in addition to a psychiatric consultant. They provide confidential short-term counseling on almost any mental health issue. There are individual and/or group counseling sessions with the goal of the Counseling Center to empower clients to capitalize on their own resources and cope with their individual situations. Clients with a history of abuse or

addiction issues are referred to the community resources with specialists in this area of expertise.

Spartans Care

Spartans Care is a campus-wide initiative that encourages USC Upstate students to support, respect and take responsibility for one another. Spartans Care strives to foster a community where students reach out to students in need and assist in referring them to appropriate resources on campus.

The purpose of this initiative is to:

- Share a listing of campus and community resources that supports students in academic and personal matters.
- Promote participation of students in the lives of their friends who may not know how or feel comfortable seeking assistance from university resources.
- Assist in connecting students with campus resources.
- Reach out to students who are either self-identified or identified by others, to provide appropriate referrals.
- Teach faculty, staff and students about the resources available for our Upstate community.
- Avoid isolation of students who need assistance.
- Nurture a community that values and cares about each other.
- Send a positive message to students about our care and concern for them and their success.

Public Safety

Public Safety exists to serve and protect the physical and human assets of the University of South Carolina Upstate by promoting and maintaining a safe, secure and healthy campus environment. This is realized through engaged community-oriented policing, and effective fire prevention and inspection. Our mission significantly contributes to and supports an environment where staff, students and faculty may flourish in the pursuit of academic excellence.

Upstate External Resources

USC Upstate Survival Resources

For students that have been sexually assaulted or are a survivor of sexual violence, there are many resources that USC Upstate and surrounding communities offer in support. Several resources also maintain confidentiality. An asterisk (*) denotes confidential resource below.

External Resources:

Project R.E.S.T. (24 Hour Hotline) *confidential resource

Project Rest – Rape Crisis Coalition provides services to victims of domestic violence in Spartanburg, Cherokee, and Union Counties. Their mission is to use a collective voice to

address the impact of domestic and sexual violence by providing quality services to those affected and to create social change through education training and activism.

Male Survivor Support (online support group)

<https://1in6.org> *confidential resource

The mission of [1in6](https://1in6.org) is to help men who have had unwanted or abusive sexual experiences live healthier, happier lives. Their mission also includes serving family members, friends, partners, and service providers by providing information and support resources on the web and in the community.

Local County Alcohol and Drug Abuse Programs (Out-patient drug and alcohol counseling and prevention services):

The Forrester Center for Behavioral Health (Spartanburg County): 864-582-7588

Greenville County Commission on Alcohol and Drug Abuse: 864-467-3790

Local Support Groups:

Al-Anon and ACOA: 864-585-1930

Alcoholics Anonymous: 864-585-1930

Narcotics Anonymous: 1-800-828-5689

Toll-free Resources:

Alcohol and Drug Abuse 24-hour Helpline: 1-800-234-0420

Cocaine Hotline: 1-800-COCAINE

Drugstore Clearinghouse: 1-800-942-3425

Treatment Facilities (in-patient drug and alcohol treatment)

Addlife Addiction Services (Greenville): 864-852-8520

Center for Behavioral Health (Greer): 864-235-2335

Haven for Hope (Spartanburg): 864-472-9083

Strength and Weaknesses of Current AOD Programming:

Strengths:

1. USC Upstate made the decision to utilize “Not Anymore”, an evidence-based educational resource on AOD and sexual misconduct provided by Vector Solutions. While the previous resource utilized for delivery of this education was evidence-based as well, Not Anymore allows the institution to educate students and systematically track their progress and completion seamlessly. This type of programming and assessment can potentially be used with the entire student population and evaluated in tandem with campus climate data to create unique programming to meet specific goals.

2. Housing & Residence Life consistently conducts in-person alcohol and other drug education for new students, including, Spartan Safety Week, *Mocktails*, *having an Alcohol and Tobacco free floor/living learning community*, and regular educational programming and education around AOD.

3. Finally, the systematic and electronic annual distribution of Drug Free Workplace policies and procedures to USC Upstate employees and students is a strength in meeting the requirements of DFSCA. The University has collectively communicated said materials to faculty, staff and students who are both on-campus as well as engaging in online programs through the University. Responsible parties ensure that this action is continually tracked and enforced effectively.

4. University compliance and data around AOD education, programming and student usage has vastly improved during this biennial cycle. As part of mandated training for incoming students, the University could track and identify that nearly all first-time freshman (96%) completed AOD training in fall 2023. Additionally, the University implemented the NCHA survey in the spring of 2024 which provided the University with valuable information surrounding the AOD usage of students, including information around the prescription drug and cannabis usage that will inform future programming.

5. The creation of a consistent AOD Committee has allowed for better tracking of programmatic efforts across campus. Of specific note were the efforts being conducted by Athletics for student athletes and Student Involvement for organizational student leaders. In addition, there has been better support for student leaders for including AOD education within student-led programming.

6. The University has created culturally-responsive programming during this past biennial cycle, including, specific alcohol and drug education and health education events for our African-American men and women, including, discussions during bi-weekly Brotherly Conversations events, and programs like Soulful Sunday and Pillow Talk.

Weaknesses:

While there has been a great deal of progress with the University's efforts to increase alcohol and drug education during this biennium, there are still some systemic needs to truly scale AOD education and programming.

1. Most pointedly, there remains no centralized health promotions at the institution, and consequently, there is no single person/office responsible for AOD prevention, programming, or review. The University does not have a centralized office where all education and programming is coordinated / organized. There have been recent hires related to health promotions, but those positions are (a) grant-funded, and (b) doing health promotions primarily on other topics (i.e., gender-based violence, suicide / mental health).

2. Related to a lack of centralized health promotions is the lack of a scaffolded education and programming plan for all USC Upstate students. Most educational efforts center on new students (first year and new transfer students) and there is not a tiered- education plan that includes the entire student body. While every student receives the University communication around AOD education, prevention and resources, the training to upper-

class students is localized to student organizations (i.e., student-athletes, student organizational leaders, fraternity and sorority life members).

C. Institutional Data Monitoring and Evaluation

Per the earlier identified strengths of USC Upstate's AOD program has been the tracking of AOD education and programming across the institution. First, the Dean of Students Office has worked diligently to increase the education of new students through the online educational modules, Not Anymore. In addition, AOD resources have been embedded and utilization tracked across all events, including Student Involvement, Athletics and Residence Life. Last, the University implemented NCHA in spring 2024, and those results are being evaluated to inform goals during the next biennium related to AOD education and programming.

Data Evaluation:

Not Anymore for AOD - Completions

With the University requiring the completion of educational modules for the 2023-2024 academic year, the University has seen a significant increase in new student completion. As the University changes their orientation design and schedule, the challenge will be requiring students to complete the educational modules prior to registration. The difference between First-Time in College (FTIC) students and Transfer students was largely because students were allowed to register prior to completing the modules.

Cohort	Course	Total # of Students		Total Completion	Completion %
Fall 2022	Alcohol and Other Drugs	FTIC	699	493	71%
		Transfer	602	185	31%
Fall 2023	Alcohol and Other Drugs	FTIC	674	644	96%
		Transfer	665	472	71%

AOD / Bystander Speaker

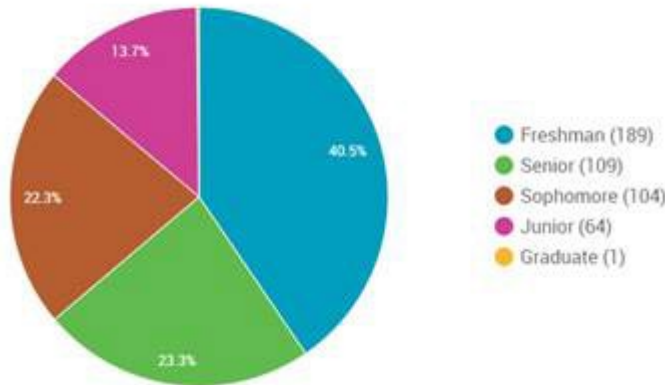
In addition, students who participate in Univ 101, 102, 103 are required to attend "A Few Too Many...Our Campus Culture of Alcohol" presented by Dr. Lori Hart. This presentation occurs during the first two weeks of classes during the fall semester. Attendance the past two years is as follows:

Fall 2022	377 Students
Fall 2023	423 Students

This represents approximately 30% of new students who also receive additional education related to alcohol and other drugs as well as bystander behavior.

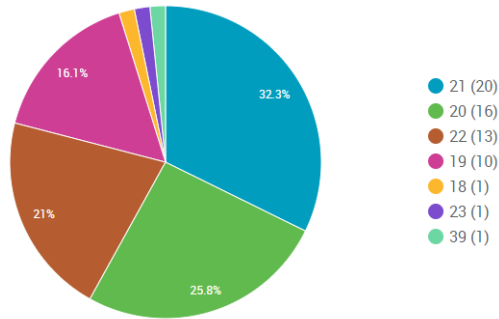
Premiere Fair / Tabling

Every fall semester, the Division of Student Affairs hosts Premiere Fair, a tabling event that includes both University and Campus resources related to student success. Several of the departments / organizations are wellness focused, including, Counseling, Health Services, South Carolina Victim Assistance Network, Forensic Nursing team from Spartanburg Regional, Project R.E.S.T., and others. There were **467 attendees** this past year, with the following class standings:



Student Organizational Leadership Training

All registered student organizations must attend a leadership training workshop before the first week of class as part of their annual compliance. This workshop provides essential information about organizational rights, privileges, group management systems, apps, and processes. The final session, conducted by our Dean of Students and the Director of Health Services, focuses on bystander intervention and harm reduction education related to alcohol and other drug use. The training, which included all officers from campus organizations, was a full-day event attended by **62 student** leaders who represented **75 of our student organizations** (some students represent more than one organization).



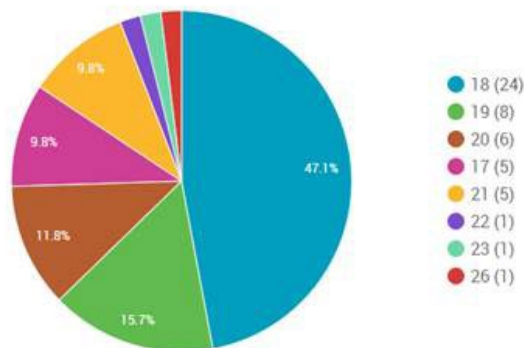
Student Athletic Team Training - AOD

As part of a rotation of educational programming within University Athletics, several athletic teams received training during the fall 2022 and spring 2023 semesters specifically around alcohol and other drugs, the effects on the body, and bystander behavior. There were **293 student-athletes who received training across 15 teams.**

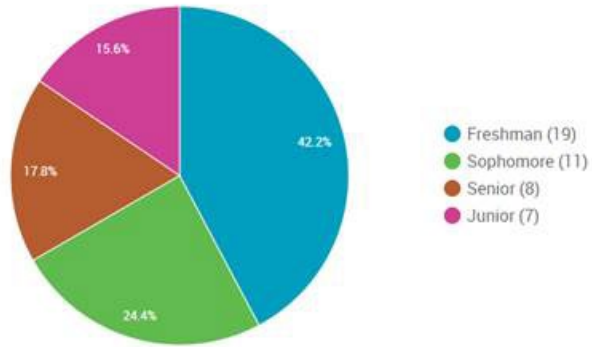
New Educational Programming:

The Division of Student Affairs created a number of new initiatives during this biennial cycle to better address the wellbeing needs of students. Of specific note are the following:

- CARE Fair. A wellness resources prior to the first day of fall 2023 classes. There were 51 students who received Information from 12 different institutional / community agencies.



- Pillow Talk. An event centered around health and wellbeing for Black/AA women. There was discussion around physical and mental health, including information on alcohol and other drugs. Forty-five students attended.



This spring 2023 event was followed by a "Soulful Sunday" event in fall 2023 that centered on Black wellness, resiliency, and healing. That event had 80 students in attendance.

2024 NCHA Data - Findings

The University distributed the NCHA survey during the spring 2024 semester with 130 student responses (~3% response rate). The survey provided the following snapshot of current student alcohol and other drug use:

- Alcohol: 51% use in last 3 months, 5.3% with moderate to high-risk use
- Nicotine/Vaping: 18.5% use in last 3 months, 16.9% with moderate to high-risk use
- Marijuana: 16% use in last 3 months, 12.3% with moderate to high-risk use
- Prescription Stimulants: 4.6% use in last 3 months, 2.3% with moderate to high-risk use
- Prescription Opioids: 2.3% use in last 3 months, 1.5% with moderate to high-risk use

Based on survey data, alcohol remains the drug that is most commonly used amongst students. That said, the University needs to invest more education and resources into nicotine and cannabis use as those two represent the largest percentages of moderate and high use.

D. Consistency of AOD Enforcement

The following data regarding AOD violations, sanctions and fatalities is from the period Jan-Dec 2022 and pulled from our **Department of Public Safety**:

- 0 fatalities due to drug or alcohol use/abuse on campus.
- 1 Criminal reports for drug law violations on campus
- 6 Disciplinary referrals to Dean of Students for drug law violations on campus
- 0 Criminal reports for alcohol violations on campus
- 21 Disciplinary referrals to Dean of Students for alcohol violations on campus

The following data regarding AOD violations, sanctions and fatalities is from the period Jan-Dec 2023 and pulled from our **Department of Public Safety**:

- 0 fatalities due to drug or alcohol use/abuse on campus.
- 1 Criminal report for drug law violations on campus
- 3 Disciplinary referrals to Dean of Students for drug law violations on campus
- 0 Criminal reports for alcohol violations on campus
- 26 Disciplinary referrals to Dean of Students for alcohol violations on campus

Specific to the **Office of Dean of Student and Housing and Residential Life**, disciplinary cases are as following

Academic Year 2022-2023:

Dean of Students:	3 alcohol cases and 12 drug cases
Housing and Residence Life:	19 Alcohol cases and 0 drug cases
Total	22 Alcohol and 12 drug cases, 44 sanctions

Academic Year 2023-2024

Dean of Students:	8 Alcohol case and 8 drug case
Housing and Residence Life:	18 Alcohol cases and 3 drug cases
Total	26 Alcohol and 11 drug cases, 77 sanctions

The table below lists the specific type and number of sanctions for the 2022-2023 and 2023-2024 academic years for violations of Alcohol Policy and Housing Contract related to alcohol:

AY 2022-23			AY 2023-24		
Alcohol	Sanction	# of Time Issued	Alcohol	Sanction	# of Time Issued
	University Probation	9		University Probation	1
	Safe Campus Module	6		Safe Campus Module	4
	Fine	5		Fine	16
	Counseling Assessment			Counseling Assessment	3
	Reflection paper	3		Reflection paper	3
	Writing Assignment			Writing Assignment	2
	Parental Notification	3		Parental Notification	10
	Warning	2		Warning	16
	Housing Probation	3		Housing Probation	4
	Loss of Privileges			Loss of Privileges	
Total	31	Total	59		

The table below lists the specific type and number of sanctions for the 2022-2023 and 2023-2024 academic years for violations of the drug policy

AY 2022-23			AY 2023-24		
	Sanction	# of Times Issued		Sanction	# of Times Issued
Drugs	University Probation	4	Drugs	University Probation	3
	Safe Campus Module	4		Safe Campus Module	1
	Counseling Assessment	4		Counseling Assessment	3
	Reflection Paper			Reflection paper	
	Writing Assignment			Writing Assignment	
	Parental Notification			Parental Notification	3
	Warning			Warning	2
	Housing Probation			Housing Probation	1
	Loss of Privileges			Loss of Privileges	1
	Involvement			Involvement	3
	Suspension			Suspension	1
	Fine	1		Fine	
	Total			13	Total

The breadth in administrative sanctioning (i.e., warning, probation, suspension) and educational sanctions for alcohol and drugs represents the differences amongst the types of cases (i.e., possession of alcohol vs transport for alcohol poisoning vs distribution). There was much more consistency within AOD sanctioning after Housing & Residence Life and the Dean of Students Office completed a policy integration between the Guide to Residential Living and the Code of Student Conduct in spring 2023. In so doing, the operating procedures for how the respective offices would work together was also agreed upon. This integration and work has created improved consistency across the hearing of cases, as seen by the (1) increase of parental notification, (2) utilization of educational modules, and (3) the consistency of utilization of administrative sanctions (warning or probation).

E. Recommendations for AOD Program Improvement

I. Institutional Structure and Function

Recommendation 1: Centralized health promotions that can provide a layered/scaffolded educational strategy for all students throughout their collegiate career.

Recommendation 2: Offices need to proactively embed staff education/professional development around AOD within their annual training. Training should use a prevention framework (i.e. DEA "Prevention With Purpose" Toolkit https://www.dea.gov/sites/default/files/2020-03/Strategic%20Planning%20Guide%20%28Final-Online%29%20%281%29_0.pdf) that is applied to the USC Upstate campus culture / student needs.

II. Student Attitudes and Culture

Recommendation 1: USC Upstate should continue to improve upon its required educational training for all new students. USC Upstate should evaluate and track completion year-round (i.e., including the smaller spring and summer cohorts) and continue to improve the completion rates for transfer students.

Recommendation 2: Continue the partnership with the Associate Director of Intercultural Education and Engagement to provide culturally responsive wellness programming.

III. Education and Prevention

Recommendation 1: USC Upstate should develop a positive messaging framework that promotes healthy decision-making around AOD use and connects to the University's social campaign around wellbeing and our three pillars of "Health Routines," "Healthy Relationships," and "Healthy Connectedness."

Recommendation 2: The prevention and harm reduction efforts within Housing and Residence Life should include additional information on the strength and use of cannabis. This is directly tied to hospitalizations of new students who are trying various forms of cannabis for the first time, and/or do not know the source of the cannabis they are trying. This also aligns with the University's NCHA data around the moderate and high use of cannabis amongst students.

Recommendation 3: Build upon existing work to expand to upper-class and commuter student participation. Some examples include: (1) expanding programming connected to the Josh Lee 5K fundraiser; (2) creating programming around national awareness weeks/dates; embedding alcohol and other drug education into existing student pillar events (i.e. Premiere Fair).

Public/Private Partnerships

Recommendation 1: USC Upstate should continue to evaluate community partnerships that can support AOD education as well as response/treatment, Including, the Forrester Center and Favor Upstate.

Policies

Copies of the [alcohol and drug policy](#) distributed to students and employees can be located on the [Policy and Procedures](#) website. Copies of the [Code of Student Conduct](#) can also be found on the Policy and Procedures website.

APPENDIX

A. Annual Notification email distributed to all students, staff, and faculty

*links worked at the time of distribution and will be updated for future notifications.

Notification of USC Upstate's Alcohol and Other Drugs Policy and Related Documents and Information

Dear Students, Faculty, and Staff:

The University of South Carolina Upstate educates the state's citizens through teaching, creative activity, and community engagement. Maintaining health and wellness is critical to meet this mission. The abuse of alcohol, the possession or use of illegal drugs, and the misuse of prescription drugs negatively affect the University environment, as well as the individual potential of our students and staff. Unfortunately, these negative effects sometimes can include criminal behavior. Information and crime statistics (Clery Act requirements) for USC Upstate for the three previous calendar years are located at [Campus Crime and Incident Reports](#).

The Federal Drug Free Workplace Act of 1988, the Drug-Free Schools and Communities Act and its amendments of 1989, the Higher Education Reauthorization Act, and EDGAR 86 require all federal grant recipients to certify a drug-free environment. The University of South Carolina Upstate remains dedicated to compliance with the Drug-Free Schools and Communities Act, EDGAR 86, and all related provisions.

This **annual notification** is necessary to share information regarding the misuse and abuse of alcohol and other drugs at USC Upstate.

USC Upstate standards of conduct clearly prohibit the abuse of alcohol, the unlawful possession, use, or distribution of illicit drugs, and the misuse of prescription drugs by students and employees.

- Human Resources 1.01 [Drug-Free Workplace Policy](#)
- [USC Upstate Code of Student Conduct](#)

A complete list of alcohol and other drugs criminal behaviors under University policy and under South Carolina state laws and federal laws is available at [Alcohol and Other Drugs University Policy](#).

In brief, in South Carolina:

- The minimum age to purchase, possess, or consume alcohol is 21, and providing alcohol to minors and using false identification to purchase or possess alcohol is illegal. Sanctions for violations of these laws include loss of driver's license, fines, educational classes, and community service.

- It is illegal for anyone underage to drive a car after drinking alcohol, and it is illegal for ALL individuals of legal drinking age to operate a motor vehicle at or above .08 blood alcohol concentration (BAC). Consequences for driving after drinking can include significant fines, loss of driver's license, mandated treatment or education programs, community service, and jail time.
- Possession of cannabis products, including concentrates, and other illicit drugs is illegal and can result in fines and jail time. Penalties increase with subsequent offenses.

In brief, South Carolina state laws and federal laws prohibit the possession, use, or distribution of illicit drugs and the misuse of prescription drugs.

- Strict penalties are enforced for drug convictions, including fines, forfeiture of personal property and real estate, and mandatory prison terms for many offenses. Many penalties are increased for subsequent drug convictions. Additional information about federal laws is available from the [Legal Information Institute](#).
- Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended for at least one year, with increasing penalties for subsequent violations. Those who lose [eligibility](#) can regain eligibility by successfully completing an approved drug rehabilitation program.

The risks associated with the misuse of alcohol, illegal drugs, prescription drugs are numerous and include physical and mental impairment, emotional and psychological deterioration, poor academic and/or job performance, addiction, infectious disease, adverse effects on pregnancy, sustaining or causing personal injury, and considerable health risks, including overdose leading to death. See [Alcohol and Other Drugs Health Risks for detailed](#) information on these health risks.

The University strongly encourages students, faculty, and staff to voluntarily seek assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary referral that may result in their separation from the institution. A comprehensive list of local resources for the treatment of alcohol and other drugs issues is available at [Alcohol and Other Drugs Treatment Resources](#).

In brief, regarding students:

- [Counseling Services](#) is available for students themselves, and a [CARE Team Referral Form](#) is available for students to complete to refer other students regarding risky behavior.
- Sanctions for students who violate the [USC Upstate Code of Student Conduct](#) can include monetary fines, written essays, parent or guardian notification, educational modules, individual interventions, housing removal or relocation, restitution, drug screenings, conduct probation, suspension, and expulsion.

In brief, regarding employees:

- The [Employee Assistance Program](#) provides assessment and counseling conducted by a licensed, experienced counselor. The counseling includes short-term individual, family, couples and group counseling, up to four sessions per person, per issue, per year, at no cost to employees and their immediate household members.
- No employee shall report for duty or remain on duty under the influence of any illegal drugs, unauthorized prescription medication, or alcohol. Employees who violate the [Drug-Free Workplace Policy](#), regardless of tenure status, will face disciplinary actions up to and including termination based upon the criteria in the [Faculty Manual](#) and University Policy HR 1.39 [Disciplinary Action and Termination for Cause](#), and may have additional legal sanctions.

The USC Upstate Alcohol and Other Drugs Policy, programs, and resources apply to students and to University employees. You are encouraged to take advantage of these resources to promote wellness while avoiding harmful habits that come from misusing alcohol and other drugs.

B. USC Upstate Student Code of Conduct (2022-2023)

*New Code of Student Conduct went live on January 1, 2024.



*The Division of
Student Affairs*

The mission of the Division of Student Affairs is to promote the holistic development and academic success of students while advancing the mission of the University of South Carolina Upstate.

Core Values at USC-Upstate: Equity, Wellness, Civility



Core Values of the Division of Student Affairs

Integrity: We value being respectful, honest and ethical by exemplifying behavior that can be modeled by all.

Community: We seek to build a community of care and support for all students; A community of trust and tradition that instills a sense of belonging and Spartan pride.

Valuing Others: We advocate for all students, promoting inclusion and appreciation for individual differences. We celebrate the diversity of our community and seek to understand all students.

Knowledge: We value the importance of acquiring knowledge and developing skills to enable our division help students reach their full potential.

Responsibility: University students are given and accept a high level of responsibility to self, to others and to the community.

Division of Student Affairs Vision

Goals

1. **Foster a healthy, safe, and supportive learning environment that facilitates student success.** *The Division of Student Affairs will promote a healthy and safe campus environment while encouraging students to live a balanced life and make healthy choices. We will:*
 - Promote the development of ethical and responsible conduct
 - Offer education and services which promote lifelong health and wellness
 - Promote an inclusive community where students value racial, ethnic, cultural, physical, gender and other differences
 - Educate students about personal safety
 - Support student retention through the provision of a wide range of services
2. **Support student learning and personal development.** *The Division of Student Affairs is an integral partner and strives to support the academic mission of the University through its co-curricular programming, while contributing to the holistic development of the student. We will:*
 - Collaborate with academic units to provide experiential learning opportunities
 - Offer students opportunities to develop leadership, career and professional skills
 - Provide students with opportunities to expand their cultural arts appreciation and exposure
 - Assist students in defining realistic education/career goals
 - Support the interpersonal and social development of students
 - Offer education and services which promote lifelong health and wellness
3. **Create opportunities for student engagement.** *The Division of Student Affairs will create opportunities for students to be actively engaged with the University and greater community through the development and implementation of purposeful programs, services, and activities. We will:*
 - Create a sense of community with programs, services and events that facilitate positive interaction among students, faculty and staff
 - Provide a thriving campus life program
 - Present students opportunities to expand their cultural arts appreciation and exposure
 - Provide opportunities for students to volunteer and become engaged with our community and world



*The University of South Carolina – Upstate
Code of Student Conduct*

*adapted from The NCHERM Group Model Developmental Code of Student Conduct and
is used here with permission. www.ncherms.org*

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PREAMBLE

University students are responsible for knowing the information, policies and procedures outlined in this document. The University reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at <https://www.uscupstate.edu/globalassets/current-students/dean-of-students/usc-upstate-student-planner-2019-2020.pdf> for the updated versions of all policies and procedures.

Upstate Code of Student Conduct

The University community is committed to fostering a campus environment that is conducive to the transmission of truth, academic inquiry, a productive campus life, thoughtful study and discourse, and free expression. The student conduct program within the Dean of Students Office is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community.

A community exists on the basis of shared values and principles. At USC-Upstate, student members of the community are expected to uphold and abide by certain standards of conduct that

form the basis of the *Code of Student Conduct*. These standards are embodied within a set of core values that include integrity, valuing others, knowledge, community, and responsibility.

Each member of the University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

The student conduct process at the University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the ***student conduct process is quite different from criminal and civil court proceedings***. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not (also called the "preponderance of the evidence") that a policy violation occurred and any sanctions will be proportionate to the severity of the violation, to the cumulative conduct history of the student, and to the attitude of the student during the process.

The University is committed to a policy that assures equal opportunity to all students and therefore does not discriminate on the basis of race, ethnicity, color, gender, sexual orientation, religion/faith tradition, national origin, age, disability, veteran status, or HIV/AIDS status. In addition, the Division of Student Affairs does not discriminate on the basis of gender identity/expression.

SECTION 2: JURISDICTION

Students at the University are provided a copy of the *Code of Student Conduct* annually in the form of a link on the University website. Hard copies are available upon request from the Dean of Students Office (email: officeofstudentaffairs@uscupstate.edu). **Students are responsible for having read and abiding by the provisions** of the *Code of Student Conduct*.

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University-affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after

the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree. The *Code of Student Conduct* applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest.¹ A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University;

The *Code of Student Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. However, most online speech by students not involving University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- **A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;**
- **Speech posted online about the University or its community members that causes a significant on-campus disruption.**

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of the University community.

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

¹ Adapted, with gratitude, from Penn State University.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Students Office and/or to University Police.

University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address.

SECTION 3: VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined further into this code). Interim suspensions are imposed until a hearing can be held, typically within two weeks. Within that time, the suspended student may request an immediate hearing from the Dean of Students to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the University may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the University will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than three weeks from notice of the incident.

Students accused of crimes may request to take a leave from the University until the criminal charges are resolved. In such situations, the University procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

SECTION 4: THE RULES

A. Core Values and Behavioral Expectations

The University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate or graduate. The University encourages community members to report to University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

Integrity: University students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

- 1) **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
- 2) **Academic Dishonesty.** Acts of academic dishonesty as outlined in the *Code of Academic Integrity*;
- 3) **Unauthorized Access.** Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any university building or failing to timely report a lost University identification card or key;
- 4) **Collusion.** Action or inaction with another or others to violate the *Code of Student Conduct*;
- 5) **Trust.** Violations of positions of trust within the community;
- 6) **Election Tampering.** Tampering with the election of any University-recognized student organization (minor election code violations are addressed by the Student Government Association (SGA));
- 7) **Taking of Property.** Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables;
- 8) **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

Community: University students build and enhance their community. Behavior that violates this value includes, but is not limited to:

- 9) **Disruptive Behavior.** Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus;
- 10) **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;

- 11) Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building;
- 12) Trademark.** Unauthorized use (including misuse) of University or organizational names and images;
- 13) Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another;
- 14) IT and Acceptable Use.** Violating the University Acceptable Use and Computing Policy, found online at: <https://www.uscupstate.edu/campus-services/information-technology/service-directory/computing-tips/>
- 15) Gambling.** Gambling as prohibited by the laws of the State of South Carolina. (Gambling may include raffles, lotteries, sports pools and online betting activities);
- 16) Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 3 inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property;
- 17) Tobacco.** Smoking or tobacco use in any area of campus is prohibited as found online at: <https://www.uscupstate.edu/faculty-staff/policies/tobacco-free-campus-policy/>;
- 18) Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
- a) Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
 - b) Failure to evacuate a University-controlled building during a fire alarm;
 - c) Improper use of University fire safety equipment; or
 - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions;
- 19) Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the University.
- 20) Animals.** Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs approved by the University Office of Accessibility Services), and emotional/psychiatric support animals as outlined in the Housing & Residence Life Contract, are not permitted on campus except as permitted by law.

21) Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside University buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities.

Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

22) Discrimination. Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, gender identity, gender expression, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.

23) Harassment. Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, gender identity, gender expression, or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

- a) Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities².

24) Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

25) Bystanding.

- a) Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Conduct* or law;
- b) Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Conduct* or law by its members.

² This policy attempts to balance the need of the community to create a civil climate while also embracing the 1st Amendment protection that attaches to most harassing speech that is simply offensive.

- 26) Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including, but not limited to:
- a) Falsification, distortion, or misrepresentation of information;
 - b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
 - c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - e) Failure to comply with the sanction(s) imposed by the campus conduct system;
 - f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect: University students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

- 27) Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
- 28) Threatening Behaviors:**
- a) **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - b) **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- 29) Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
- 30) Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy. (See *University Student Handbook*, <https://www.uscupstate.edu/campus-life/office-of-student-involvement/fraternity-sorority-life/>);
- 31) Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another;
- 32) Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;

33) Sexual Misconduct. Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See Sexual Misconduct/Title IX Policy at https://www.sc.edu/about/initiatives/safety/stop_sexual_assault/index.php);

34) Public Exposure. Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts. University theatrical productions that require student nudity in a rehearsal and/or performance are exempted from this violation.

Responsibility: University students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

35) Alcohol. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the University's Alcohol Policy (<https://www.uscupstate.edu/campus-life/health-education> for further information);

36) Drugs. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University's Drug Policy (See <https://www.uscupstate.edu/campus-life/health-education> for further information);

37) Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;

38) Failure to Comply. Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

39) Financial Responsibilities. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

40) Arrest. Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Dean of Students Office within seventy-two (72) hours of release.

41) Other Policies. Violating other published University policies or rules, including all Housing & Residence Hall policies, Parking & Traffic policies, Facilities Use policies, and/or Computing Use policies;

42) Health and Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

43) Violations of Law. Evidence of violation of local, state or federal laws, when substantiated through the University's conduct process.

SECTION 5: OVERVIEW OF THE CONDUCT PROCESS

This overview gives a general idea of how the University's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.³

NOTICE. Once notice is received from any source (victim, Resident Assistant, 3rd party, online, etc.), the University may proceed with a preliminary investigation and/or may schedule an initial educational meeting with the responding student to explain the conduct process to the responding student and gather information.

A. STEP 1: Preliminary Inquiry or Educational Meeting

The University conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

- 1) A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
- 2) A more comprehensive investigation, when it is clear more information must be gathered;
- 3) A formal complaint of a violation and/or an educational meeting with the responding student.

When an initial educational meeting is held, the possible outcomes include:

- A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see immediately below);
- A decision to proceed with additional investigation and/or referral for a “formal” resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. If the University's finding is that the responding student is in violation, and the responding student accepts this finding within three work days, the University considers this an “uncontested allegation.” The administrator conducting the initial educational meeting will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends⁴.

³ In Title IX related issues, the “administrator” is any “responsible employee” as defined under Title IX and/or campus policy.

⁴ In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

If student accepts the findings, but rejects the sanction, the University will conduct a sanction-only hearing, conducted by a **3-person faculty-staff hearing board** which recommends a sanction to the Dean of Students or the Dean of Students' Student Conduct designee. The sanction is then reviewed and finalized by the Dean of Student or the Dean of Students' Student Conduct designee and is subject to appeal (see *Appeal Review Procedures*) by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational meeting determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

B. STEP 2: Formal Hearing

In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before the Conduct Council. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations. In those cases, the hearing results serve as a recommendation to the Dean of Students or the Dean's Student Conduct-designee and, where appropriate, the Title IX Coordinator, who review and finalize the finding.⁵ If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

C. STEP 3: Review and Finalize Sanction(s).

If the student is found in violation(s), sanctions will be recommended by the Conduct Council to the Dean of Students or the Dean's Student Conduct-designee and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the University appeals process by any party to the complaint.

SECTION 6: STUDENT CONDUCT AUTHORITY

A. Authority

The Dean of Students is vested with the authority over student conduct by the Chancellor and by the Vice-Chancellor for Student Affairs. The Dean of Students may appoint a Student Conduct-designee to oversee and manage the student conduct process. The Dean of Students or Student Conduct-designee may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Dean of Students or Dean's Student Conduct-designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

⁵ The findings of the hearing should only be overturned or modified when necessary to conform to Title IX and/or to repair error that would result in appeal.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Conflict Resolution Options

The Dean of Students or the Dean's Student Conduct-designee has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, **at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response.** The Dean of Students or the Dean's Student Conduct-designee may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

D. Composition of the Conduct Council

The Dean of Students or the Dean's Student Conduct-designee will be responsible for assembling the Conduct Council according to the following guidelines:

- 1) The membership of the Conduct Council is selected from a pool of at least 6 students, 6 faculty, and 6 staff/administrative members appointed and trained **for at least 8 hours** ⁶ annually by the Dean of Students or the Dean's Student Conduct-designee. Title IX/Sexual Misconduct Hearing Board members will be trained for at least 12 hours annually by the Dean of Students or the Dean's Student Conduct-designee and/or the Office of Equity and Inclusion.
- 2) For each complaint, a panel will be chosen from the available pool, and is usually comprised of five (5) or seven (7) persons with a minimum of two (2) students, and three (3) faculty/staff-administrators. Availability may determine a different composition for the Council, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Dean of Students or the Dean's Student Conduct-designee will usually use five (5) or seven (7) faculty/administrators/staff member for the Title IX/Sexual Misconduct Hearing Board. The Dean of Students or the Dean's Student Conduct-designee appoints the Chair of the Council, who assures that University procedures are followed throughout the hearing. In the case of Title IX/sexual misconduct Hearing Boards, the University Office of Equity and Inclusion will be consulted for hiring an external expert to serve as non-voting Chairperson of the Title IX/sexual misconduct Hearing Board.

E. Administrative Hearing/Meeting Officers

⁶ Minimal competence requires 8 hours of training, and panel members ought to be more than minimally competent.

Administrative Hearing/Meeting Officers (AHO or ACO) are chosen from a pool of annually trained administrators or staff members selected by the Dean of Students or the Dean's Student Conduct-designee or the Director of Housing and Residence Life.

F. Panel Pool and the Appeals Panel

Three-member Appeals Panels are drawn from the panel pool, with the only requirement being that they did not serve on the Council or Hearing Board for the initial hearing. Appeals Panels review appeal requests submitted by the Dean of Students or by the Dean's Student Conduct-designee. If an all faculty/administrator/staff panel is used to hear a sensitive issue, the Appeals Panel will also be comprised of only faculty/administrator/staff members.

To serve in the Conduct Council pool, students must:

- 1) Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
- 2) Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service.

The Dean of Students or the Dean's Student Conduct-designee will have final authority to approve all those serving on the Conduct Council or the Title IX/Sexual Misconduct Hearing Board. The non-voting advisor to the council/board/panel is the Student Conduct-designee with responsibility for training the Council/Board/Panel, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and responding student. In the event of a resignation from the council/board/panel, the Student Conduct-designee will solicit a replacement from the group from which the representative came. Decisions made, and sanctions imposed, by the panel or an AHO will be final and implemented, pending the normal appeal process. At the discretion of the Dean of Students or by the Dean's Student Conduct designee, implementation of sanctions may be stayed pending review.

G. Interpretation and Revision

The Dean of Students or the Dean's Student Conduct-designee will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Students or the Dean's Student Conduct-designee may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Dean of Students or the Dean's Student Conduct-designee may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Dean of Students, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Dean of Students or the Dean's Student Conduct-designee with a comprehensive revision process being conducted every 5 years.

SECTION 7: FORMAL CONDUCT PROCEDURES

A. University as Convener

The University is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

B. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

C. Amnesty:

1) For Victims

The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result⁷.

2) For Those Who Offer Assistance

To encourage students to offer help and assistance to others, University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students or the Dean's Student Conduct-designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

⁷ Records regarding the provision of amnesty, however, should be maintained.

3) For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Students or the Dean's Student Conduct-designee not to extend amnesty to the same person repeatedly.

4) Safe Harbor

The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of University officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

D. Notice of Alleged Violation

Any member of the University community, visitor or guest may allege a policy violation(s) by any student for misconduct under this *Code* by the following process:

Notice may also be given to the Dean of Students or by the Dean's Student Conduct-designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Dean of Students or the Dean's Student Conduct-designee will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

E. Investigation

Investigation is referenced in both steps 1 and 2 above, with detailed investigation procedures described in this sub-section. The Dean of Students or the Dean's Student Conduct-designee will appoint an investigator(s) for allegations under this *Code*.⁸ The investigator(s) will take the following steps, if not already completed by the Coordinator or designee:

- 1) Initiate any necessary remedial actions on behalf of the victim (if any);

⁸ For any complaint that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the Dean of Students will work with the Title IX Coordinator.

- 2) Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a University proxy or representative;
- 3) Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - a) If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 - b) Notify the victim of whether the University intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
 - c) Preliminary investigation usually takes between 1-7 business days to complete;
- 4) If indicated by the preliminary investigation and authorized by the Dean of Students or Dean's Student Conduct-designee, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated University policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a) If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b) A comprehensive investigation usually takes between one day and two weeks;
- 5) Meet with the party bringing the complaint to finalize the party's Statement, which will be drawn up by the investigator or designee as a result of this meeting;
- 6) Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;
 - a) Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);
- 7) Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
- 8) Obtain all documentary evidence and information that is available;
- 9) Obtain all physical evidence that is available;
- 10) Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- 11) Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- 12) Present the investigation report and findings to the responding student, who may:
 - a) accept the findings,
 - b) accept the findings in part and reject them in part,
 - c) or may reject all findings;
- 13) Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

F. Findings

1) **The Responding Student is Found “Not Responsible”**

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the **Dean of Students or the Dean’s Student Conduct-designee**, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely with the Dean of Students or with the Student Conduct-designee in these cases, and is granted only on the basis of extraordinary cause.

2) **The Responding Student Accepts a Finding of “Responsible”...**

a) **The Responding Student Accepts a Finding of “Responsible” and Accepts the Recommended Sanctions.**

Should the responding student accept the finding that they violated University policy, the investigator will recommend appropriate sanctions for the violation, having consulted with the Dean of Students or with the Dean’s Student Conduct-designee, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community. If the responding student accepts these recommended sanctions, the sanctions are implemented by the Dean of Students or by the Dean’s Student Conduct-designee and the process ends. This outcome is not subject to appeal.

b) **The Responding Student Accepts a Finding of “Responsible” and Rejects the Sanctions Recommended.**

If the responding student accepts the “responsible” findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only. Administrative conference procedures are detailed below.

3) **Responding Student Rejects the Findings Completely or In-part**

a) **Responding Student Rejects the Findings Completely**

Where the responding student rejects the finding that they violated University policy, a formal hearing will be convened within fifteen (15) business days, barring exigent circumstances.

At the hearing, the investigator(s) will present their report to the panel, the panel will hear from the parties, and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.

If the panel finds the responding student not responsible for all violations, the Dean of Students or the Dean’s Student Conduct-designee will timely inform

the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction/responsive action to the Dean of Students or to the Dean's Student Conduct-designee, who will render a decision within **10 work** days of the hearing and timely notify the parties in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

b) Responding Student Accepts the Findings in Part and Rejects in Part

Where the responding student rejects in part the finding that they violated University policy, there will be a panel hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a responding student responsible for a violation, the University will follow the sanctioning process detailed in sub-sections K(8) and K(9), below. If the Panel finds the responding student "Not Responsible" on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-sections K(8) and K(9), below.

G. Notice of Hearing

Once a determination is made that reasonable cause exists for the Dean of Students or the Dean's Student Conduct-designee to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Student Conduct-designee; mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- 1) Include the alleged violation and notification of where to locate the *Code of Student Conduct* or the Title IX/Sexual Misconduct policy and University procedures for resolution of the complaint; and
- 2) Direct the responding student to contact the Dean of Students or Student Conduct-designee within a specified period of time to respond to the complaint. This time period will generally be no less than two days⁹ from the date of delivery of the summons letter.

A meeting with the Student Conduct-designee may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Dean of Students or to the Dean's Student Conduct-designee, whether they admit to or deny the allegations of the complaint.

⁹ "Day", used throughout this document, refers to normal business days when the University is in operation.

I. Interim Action

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*.

During an interim suspension, a student may be denied access to University housing and/or the University campus/facilities/events. As determined appropriate by the Dean of Students or by the Dean's Student Conduct-designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students or Dean's Student Conduct-designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

J. Hearing Options & Preparation

The following sub-sections describe the University's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Dean of Students or of the Dean's Student Conduct -designee, no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Dean of Students, Dean's Student Conduct-designee, AHO or council/board/panel presiding over the hearing.

Where the responding student admits to violating the *Code of Student Conduct*, the Dean of Students or the Dean's Student Conduct-designee may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative meeting*. In an administrative meetings, complaints will be heard and determinations will be made by the Dean of Students or by the Dean's Student Conduct-designee.

Where the responding student denies violating the *Code of Student Conduct*, a formal hearing will be conducted. This process is known as a Conduct Council or Title IX/Sexual Misconduct Hearing. At the discretion of the Dean of Students or the Dean's Student Conduct-designee, a request by one or more of the parties to the complaint for an administrative meeting may be considered. Students who deny a violation for which a council/board/panel hearing will be held will be given a minimum of ten (10) days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- 1) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or by the Dean's Student Conduct-designee; mailed to the local or permanent address of the

student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.

- 2) If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have the University administration serve as the party bringing the complaint forward. Where there is no alleged victim, the University administration will serve as the party bringing the complaint forward.
- 3) If a responding student fails to respond to notice from the Dean of Students or the Dean's Student Conduct-designee, the Dean or Student Conduct-designee may initiate a complaint against the student for failure to comply with the directives of a University official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative meeting may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their University account, deeming them ineligible to register for courses or University housing until such time as the student responds to the initial complaint.
- 4) At least five (5) business days before any scheduled formal hearing, the following will occur:
 - a) The responding student will deliver to the Dean of Students or Student Conduct-designee a written response to the complaint;
 - b) The responding student will deliver to the Dean of Students or Student Conduct-designee a written list of all witnesses for the University to call at the hearing;
 - c) The responding student will deliver to the Dean of Students or the Student Conduct-designee all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Students or the Student Conduct-designee can arrange for its presence;
 - d) The party bringing the complaint will deliver to the Dean of Students or Student Conduct-designee a written list of all witnesses for the University to call at the hearing;
 - e) The party bringing the complaint will deliver to the Dean of Students or to the Student Conduct-designee all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean or Student Conduct-designee can arrange for its presence;
 - f) The party bringing the complaint and the responding student will notify the Dean of Students or the Dean's Student Conduct-designee of the names of any advisors/advocates who may be accompanying the parties at the hearing.

- 5) The Dean of Students or the Student Conduct-designee will ensure that the hearing information and any other available written documentation is shared with the parties at least three (3) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Dean of Students or the Student Conduct-designee immediately. Hearing officers will only be unseated if the Dean of Students or the Student Conduct-designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

K. Panel Hearing Procedures

The Dean of Students or Student Conduct-designee will appoint one faculty-staff-administrator panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Dean of Students or the Student Conduct-designee no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by the Dean of Students or by the Student Conduct-designee.

The Dean of Students or Student Conduct-designee, the Chair and the Conduct Council will conduct panel hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved will be at the discretion of the Council Chair and the Student Conduct-designee.
- 3) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Students or the Student Conduct-designee may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
- 4) The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor.¹⁰ The advisor may not make a presentation or represent the party bringing the complaint or responding student during

¹⁰ Note that some jurisdictions (e.g.: North Carolina) require institutions to permit attorney participation in a hearing.

the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the Chair and suggest questions to their advisee.¹¹

- 5) The party bringing the complaint, the responding student, the Conduct Council, the Dean of Students and the Student Conduct-designee will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the **Chair and/or the Dean of Students and/or the Student Conduct-designee**.
- 6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Conduct Council and the Student Conduct-designee. Formal rules of evidence are not observed. The **Chair and/or the Dean of Students and/or the Student Conduct-designee** may limit the number of character witnesses presented or may accept written affidavits of character instead.
- 7) All procedural questions are subject to the final decision of the Dean of Students or the Student Conduct-designee.
- 8) After a Conduct Council hearing, the Council will deliberate and determine, by majority vote, whether it is more likely than not (also “the preponderance of evidence”) that the responding student has violated the *Code of Student Conduct*. The Dean of Students or Student Conduct-designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Dean of Students or Student Conduct-designee is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The Council Chairperson will prepare a written deliberation report and deliver it to the Dean of Students, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Students within two (2) days of the end of deliberations.
- 9) The Dean of Students will consider the recommendations of the Council, may make appropriate modifications to the panel’s report and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or University policy) of the final determination within **five (5) business** days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or Student Conduct-designee; mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student’s University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

¹¹ See *Id.*

- 10) There will be a single verbatim record (an audio recording is acceptable) for all Council hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the University's record retention policy.

L. Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

- 1) *Warning*: An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
- 2) *Restitution*: Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 3) *Fines*: Reasonable fines may be imposed. Fines are specified to include the costs for enrolling in online courses related to the violations.
- 4) *Community/University Service Requirements*: For a student or organization to complete a specific supervised University service.
- 5) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- 6) *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Dean of Students, Director of Housing & Residence Life, Student Conduct-designee, and/or University Police.
- 7) *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, purchasing a gift for an aggrieved party, etc.
- 8) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 9) *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified by the Office of Housing and Residence Life.

- 10) *University Housing Probation*: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
- 11) *University Housing Reassignment*: Reassignment to another University housing facility. Housing and Residential Life personnel will decide on the reassignment details.
- 12) *University Housing Suspension*: Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Director of Housing and Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.
- 13) *University Housing Expulsion*: The student's privilege to live in, or visit, any University/College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 14) *University Probation*: The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- 15) *Eligibility Restriction*: The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students or Student Conduct-designee and terms of this conduct sanction may include, but are not limited to, the following:
 - a) Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
 - b) Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 16) *University Suspension*: Separation from the University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students or the Dean's Student Conduct-designee, and in consultation with the Director of Housing and

Residence Life when the student resides in Housing. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary. **This sanction will be noted as a Conduct Suspension on the student's official academic transcript.**

17) *University Expulsion*: Permanent separation from the University. The student is banned from university property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. **This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.**

18) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or the Dean's Student Conduct-designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- 1) One or more of the sanctions listed above, specifically *a)* through *i)* and *o)* through *q)*; and/or
- 2) Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

M. Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

N. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or nonforcible sex offense, the University will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or nonforcible sex offense, the University/College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- 1) Arson
- 2) Assault offenses (includes stalking)
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and nonnegligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offences
- 10) Non-forcible sex offences

O. Failure to Complete Conduct Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Students, Dean’s Student Conduct-designee or Administrative Meeting Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University **and may be noted on, or with, the student’s official transcript at the end of the semester.** In such situations, resident students will be required to vacate University housing within 24 hours of notification by the Dean of Students or the Dean’s Student Conduct-designee, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life and/or the Director of Student Conduct. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Conduct.

P. Appeal Review Procedures

Any party may request an appeal of the decision of the Administrative Meeting or formal hearing by filing a written request to the **Dean of Students**, subject to the procedures outlined below. All sanctions imposed by the original meeting or hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

GROUNDS FOR APPEAL REQUESTS

Appeals requests are limited to the following grounds:

- 1) A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);

- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction.¹² A summary of this new evidence and its potential impact must be included;¹³
- 3) The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals must be filed in writing with the Dean of Students within five (5) business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Dean of Students and, when appropriate, the Director of Housing & Residence Life, and/or the Title IX Coordinator.

The Dean of Students will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Dean or Dean's Student Conduct-designee will refer the request(s) to the University's designated Appeal Review Officer, the Vice-Chancellor for Student Affairs. The Dean of Students will also draft a response memorandum to the appeal request(s), based on the Appeal Review Officer's determination that the request(s) will be granted or denied, and why. All request-related documents are shared with all parties prior to submission to the Appeal Review Officer.

The Appeal Review Officer will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Dean of Students, the Student Conduct-designee, the Director of Housing and Residence Life and/or Title IX Coordinator on any procedural or substantive questions that arise.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Appeal Review Officer determines whether to refer the appeal to the Appeals Panel or to remand it to the original decision-maker(s), typically within five (5) business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full rehearings by the Appeals Panel are not permitted. Where new evidence is presented or the sanction is challenged, the Appeals Review Officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions

should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeals Panel are to be made within five (5) days of submission to the Panel and are final, as are any decisions made by the original hearing body, Dean of Students, Dean's Student Conduct-designee, and/or Director of Housing & Residence Life as the result of reconsideration consistent with instructions from the Appeal Review Officer.

THE APPEALS PANEL

Three-member Appeals Panels are drawn from the hearing panel pool, with the following requirements to serve¹⁴:

- 1) they did not serve on the Panel for the initial hearing
- 2) they were not involved in the investigation in any way
- 3) they have been properly trained in appeals procedures

For students to serve in the panel pool¹⁵, they must:

- 1) Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
- 2) Be in good standing with respect to the conduct process throughout the term in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel, as well as not currently being on any probation. A serious history of misconduct could disqualify a student for service.

The Appeal Review Officer will have final authority to approve all those serving on the Appeals Panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Appeals Review Officer will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Appeals Review Officer will solicit a replacement from the pool of panelists.

The Dean of Students or the Student Conduct-designee serves as the non-voting advisor to the Panel, with responsibility for training the Panel, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student.

The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Dean of Students or Student Conduct-designee, and in consultation with the Director of Housing and Residence Life when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Dean of Students or Student Conduct-designee,

¹⁵ Students should not be panelists for sexual misconduct and other Title IX-covered behaviors, because of the chilling effect on reporting this causes.

in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

OTHER GUIDELINES FOR APPEALS

- All parties will be timely informed **within five (5) work days** of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Q. Disciplinary Records

All conduct records are maintained by the University for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

R. Policy for Non-Academic Grievances

A grievance is defined as a dissatisfaction occurring when a student thinks that any condition affecting him/her is unjust, inequitable or creates an unnecessary hardship. Such grievances include, but are not limited to, the following problems: mistreatment by any University employee, wrongful assessment and processing of fees, records and registration errors, racial discrimination, sex discrimination, and discrimination based on disability, as they relate to non-academic areas of the University. The grievance procedure shall not be used for appeals of disciplinary decisions, residency classification decisions, traffic appeals decisions or any other type decision where a clearly defined appeals process has already been established. Non-Academic grievances related to the University's non-discrimination and equal opportunity policies should be reported to the dean of students, and to the director of equal opportunity programs. The procedure is as follows:

The initial phase of the student grievance procedure requires an oral discussion between the student and the immediate supervisor of the person(s) alleged to have caused the grievance. If the student wishes to file an official grievance, a grievance form may be completed and filed with the immediate supervisor of the person alleged to have caused the grievance.

The form should be filed with the person's immediate supervisor within five (5) working days of the initial discussion referred to above. The supervisor shall immediately

investigate the incident and render a decision. If the student feels the grievance is resolved, the process is complete. If the grievance is unresolved, the student may bring the matter before the dean of students by presenting a written statement within ten (10) working days of the supervisor's decision. The Dean of Students will investigate and render a decision within 10 working days.

The Code of Academic Integrity

Within the Code of Student Conduct there exists the Code of Academic Integrity. Students are on their honor not to cheat, lie or steal, and if they witness another student doing so, it is their responsibility to report the individual and the circumstances to the instructor or the dean of students.

A. Bribery

The offering, giving, receiving or soliciting of anything of value to obtain a grade or consideration a student would not expect to achieve from his or her own academic performance.

B. Cheating

Examples include:

Any conduct during a program, course, quiz or examination that involves the unauthorized use of written or oral information, or information obtained by any other means of communication; the buying, selling, sharing of questions or theft of any examination or quiz prior to its administration; the unauthorized use of any electronic or mechanical device during any program, course, quiz or examination or in connection with laboratory reports or other materials related to academic performance; the unauthorized use of notes, laboratory reports, term reports, theses and written materials in whole or part; the unauthorized collaboration on any test, assignment or project.

C. Lying

Lying is the deliberate misrepresentation by words, actions or deeds of any situation or fact, in part or whole, for the purpose of avoiding or postponing the completion of any assignment, duties, test or examination in a course, internship or program.

D. Plagiarism

Plagiarism, or literary theft, in any writing assignment: using others' words or ideas without consistent, correctly formatted acknowledgement. This includes sources the student knows personally (friends, other students, relatives, etc.) as well as all text, Internet, and other sources. Students are required to properly acknowledge sources as follows: **students may not present as their own ideas, opinions, images, figures, languages or concepts of another, including those of other students.** Students must acknowledge all sources such as magazines, journals, Internet sites, records, tapes, films and interviews.

Papers and other materials bought from "term paper writing services," if submitted as the work of anyone except the writing service, constitute a violation of the principles of this code. Further, violation of any of the following standards may be cause for disciplinary action. The common specific uses of source material are:

Direct Quotation: Word-for-word copying of a source. Direct quotation must be accurate, must not misrepresent the source in any way and must be properly acknowledged.

Paraphrase:

A recasting into one's own words material from a source, generally condensing the source. A direct quotation with only a word or two changed, added or omitted should not be passed off as a paraphrase. A paraphrase restates the source but does not misrepresent it and must be properly acknowledged.

Self-Plagiarism:

The act of re-using your own work without letting your professor know that it comes from a previous paper or assignment. This can include parts of a previous assignment or an entire paper.

Use of ideas:

The use of an idea from a source must be properly acknowledged, even when one's application of that idea varies from the source.

Use of figures, tables, charts, statistics, images, photographs and other similar sources: These items must be fully acknowledged, and any changes must be clearly indicated. If a student has received any kind of help (except that permitted by an instructor) in the preparation of a project, that help must be fully acknowledged.

Sanctions of Academic Integrity violations include, but are not limited to:

- **expulsion**
- **indefinite or definite suspension;**
- **reprimand;**
- **“X” assigned for the final grade;**
- **“F” assigned for the course;**
- **“0” assigned for the assignment, test or paper;**
- **reduction in final course grade;**
- **additional assignments from the professor;**
- **completion of plagiarism workshop and**
- **letter of apology to the Faculty member**

The sanctions in this section are intended to be disciplinary, and nothing in these procedures, including the imposition of any sanction, shall be interpreted to limit the academic authority of an instructor to determine an appropriate grade for a student who has violated the rule. If an instructor determines that, because of academic dishonesty, a student's performance in an academic program merits a grade reduction or a failing grade, the instructor's authority to award such an appropriate grade is not limited by the imposition of any sanction under this Section.

Infractions of the Code of Academic Integrity may result in removal from academic programs by the authority of the specific academic dean.

Students removed by the academic dean for academic integrity violations have the same rights outlined in the USC Upstate Code of Student Conduct regarding notice of the alleged offense and an opportunity to be heard before the honor council.

Resolution of Alleged Academic Infractions

Informal Administrative Hearing

Upon receiving an alleged violation of the Code of Academic Integrity, the dean of students or designee (oftentimes, this is the involved faculty member) will investigate the report. The dean of students or designee will conduct an initial interview with the accused. The potential academic violations will be explained at that time. It is at this time the student can resolve the matter through admission of responsibility, or request a hearing with the Honor Council.

The Honor Council (see below for composition and procedures) is given the charge to handle academic honor code violations. The Honor Council does not have the role to examine severity of sanction appeals from the decisions of the dean of students or faculty member; those concerns will be forwarded to the Appeals Panel.

Should further action be necessary, the charged student will receive written notification of a hearing before the Honor Council within two (2) business weeks. The charge letter will include a statement of the charges and the time and place of the hearing.

If the accused accepts responsibility in writing prior to appearing before a Council hearing, a sanction determined by faculty member for an academic violation will be imposed.

If a student fails to respond to a charge letter within the time specified in a certified letter, he or she forfeits his or her rights and may have a sanction imposed by the faculty member. A hearing may be conducted in the absence of an accused student if the student fails to appear for a scheduled hearing.

The Honor Council Procedures

During an Honor Council hearing, the faculty chairperson will bring the council to order and present the alleged violation brought against the student. The student has the right to attend the hearing, at a designated time, to respond to any evidence, and to present witnesses and evidence. Council members and the student shall be free to ask questions during the hearing. Following the presentation and hearing of all information pertaining to a particular violation, the Honor Council shall deliberate without the accused student being present.

The Honor Council shall also determine the sanction that will be imposed if the student is found responsible for Code of Academic Integrity violations. Faculty members will determine the sanction assigned for any Code of Academic Integrity violations that occur in their classes.

The dean of students will maintain all records of violations of the Code of Academic Integrity confidentially for a period of seven (7) calendar years from the date of the hearing. Cases that result in suspension or expulsion will be retained indefinitely. Appropriate University officials may be notified of actions taken by the Honor Council on the basis of their need to know. Records will be made available to the Honor Council for specific cases where a student is found responsible, and has a record of any prior violations of the Code of Academic Integrity.

Any prior violations of the Code of Academic Integrity will be taken into account in determining the sanction or sanctions for a subsequent violation(s) of the Code. The hearing authority shall exercise active control over the hearing in order to elicit relevant information, avoid needless consumption of time, and to prevent harassment or intimidation of witnesses. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student, student organization or University is shown to have resulted.

Composition and Jurisdiction of the Honor Council

The Honor Council normally consists of two students and three faculty voting members. Participants for each council are selected by the dean of students from a pool of students and faculty. The dean of students is authorized to assign non academic integrity cases to a Student Honor Council that operates under the same guidelines as a council in which faculty participates. The faculty pool consists of two faculty appointed by each academic division or department from each of the following disciplines: business, education, nursing, library and the College of Arts and Sciences. The student pool consists of two students appointed by each academic division or department from each of the following colleges: business, education, nursing and the College of Arts and Sciences. Students serving on the Honor Council must have completed 30 hours at USC Upstate and maintain a 2.25 GPA and must be in good behavioral standing at the University. Members of the Honor Council are selected each fall to serve during the fall, spring and summer of the following year.

With the voluntary, informed and written consent of the University's representative and charged parties, the above provisions related to council composition, chairmanship and quorum may be waived in order to expedite the scheduling and completion of hearing procedures. The dean of students or designee acts as a nonvoting administrator of the council, and will appoint a faculty chairperson for each council hearing, and selects members from the pool to serve at a particular council hearing. All matters involving an alleged violation of the Code shall subject the student or student organization to the jurisdiction of the campus judicial system. In special cases where the safety of the individual or the University community is threatened, a student may be subject to immediate suspension by the chancellor or his designee pending a hearing.

D. The Student Honor Council

During a Student Honor Council hearing, the hearing chair will bring the hearing to order and present the charges brought against the student. The student has the right to attend the hearing, at a designated time, to respond to any evidence, and to present witnesses and evidence. Student Honor Council members and the student shall be free to ask questions during the hearing. Following the presentation and hearing of all information pertaining to a particular violation, the Student Honor Council shall deliberate without the accused student being present. The Student Honor Council shall also determine the sanction that will be imposed as outlined in the Code of Conduct if the student is found responsible. The dean of students will maintain all records of violations of the Code of Student Conduct confidentially for a period of six calendar years from the date of the hearing. Cases that result in suspension or expulsion will be retained indefinitely. Appropriate University officials may be notified of actions taken by the Student Honor Council on the basis of their need to know. Records will be made available to the Student Honor Council for specific cases where a student is found responsible, and has a record of any prior violations of the Code of Student Conduct. Any prior violations of the Code of Student Conduct will be taken into account in determining the sanction or sanctions for a subsequent violation(s) of the Code. The focus of inquiry in disciplinary proceedings shall be the responsibility of the accused party. The hearing authority shall exercise active control over the hearing in order to elicit relevant information, avoid needless consumption of time, and to prevent harassment or intimidation of witnesses. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student, student organization or University is shown to have resulted. Ad hoc student honor councils may be created when extenuating circumstances (e.g. summer break, University holidays, final exams, etc.) preclude an honor council or an appeal council from obtaining the usual quorum (five students) for hearing a case. The dean of students will serve as the non-voting chair of this ad hoc board.

Composition and Jurisdiction of the Student Honor Council

The Student Honor Council normally consists of five students, one of whom is the student chair. Participants for each court are selected by the dean of students from a pool of students. The pool consists of students appointed annually through academic deans, department and division chairs. Students serving on the Student Honor Council must have completed 30 hours at USC Upstate and maintain a 2.25 GPA and must be in good behavioral standing at the University. Members of the Student Honor Council are selected each fall to serve during the fall, spring and summer of the following year. With the voluntary, informed and written consent of the University's representative and charged parties, the above provisions related to board composition, chairmanship and quorum may be waived in order to expedite the scheduling and completion of hearing procedures.

The dean of students acts as non-voting administrator of the council, and appoints a student chair to serve as chairperson for each council hearing, and selects members from the pool to serve at a particular council hearing. All matters involving an alleged violation of the Code of Student Conduct shall subject the student or student organization to the jurisdiction of the campus judicial system. In special cases where the safety of the individual or the University community is threatened, a student may be subject to immediate suspension by the chancellor or his designee pending a hearing.

Extenuating Circumstance Creation of Conduct Councils, Honor Councils, or Title IX/Sexual Misconduct Hearing Boards

Ad hoc honor councils may be created when extenuating circumstances (e.g. summer break, University holidays, final exams, etc.) preclude an honor council or an appeal council from obtaining the usual quorum (two students, three faculty) for hearing a case. The dean of students or designee will serve as the administrator of this council or hearing board.

S. Approval and Implementation

This *Code of Student Conduct* was approved on August 14, 2020.

A. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted by a five (5) or seven (7) member faculty-staff-administrator Hearing Board drawn from the pool. An external non-voting Chairperson for the Hearing Board will be provided by the University Office of Equity and Inclusion or by the Office of the Dean of Students. The Chairperson will have the necessary education and training for Title IX/Sexual Misconduct hearings. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim and the respondent to testify from another room via audio or audio/video technology.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the Hearing Board Chair. All such information sought to be admitted by a party or the University will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair.

Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, will always be relevant to the sanction.

The party bringing any complaint alleging sexual misconduct, other behavior falling within the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

C. USC Upstate Alcohol and Other Drugs Policy (2021-April, 2024)

*New policy posted April, 2024

RESPONSIBLE OFFICE:

OFFICE OF RISK MANAGEMENT

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The University of South Carolina Upstate’s primary concern is for the health, safety, and welfare of the University community. The University complies fully with local, state, and federal regulations regarding the sale, possession, and consumption of alcoholic beverages. The unlawful manufacture, possession, use, or distribution of illicit drugs or controlled substances or the misuse of prescription drugs on University property or as part of University activities is strictly prohibited. All members of the University community are held responsible for their behavior and for respecting the rights of others.

USC Upstate endeavors to encourage a culture of compliance. The University is committed to providing education regarding the negative impacts of illicit drug use, misuse of prescription drugs, and the excessive or illegal consumption of alcohol. USC Upstate provides programs, support, and resources to promote health-enhancing experiences. Additionally, USC Upstate seeks to encourage responsible bystander behavior and timely reporting of inappropriate behavior.

In addition to this Alcohol and Other Drugs Policy document, the University also provides an [Alcohol and Other Drugs Health Risks](#) document and an [Alcohol and Other Drugs Treatment Resources](#) document.

DEFINITIONS

Term	Definition
Alcoholic Beverage, Alcoholic Liquors	Alcoholic beverage or alcoholic liquors means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them
Open container	Any holder or receptacle that allows access to alcohol, including any bottle, can, or similar container on which the original seal has been broken.
Physical control of a vehicle	Being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device, whether or not the vehicle is running.
Prima facie	Sufficient to establish a fact; "on first encounter; at first sight"
USC Upstate property	Property owned, operated, or controlled by the University.

I. POLICY IN GENERAL -- ALCOHOL

Alcoholic beverage consumption is prohibited on USC Upstate property or at off-campus University-sponsored events unless approved by the University according to the processes set forth in this Alcohol and Other Drugs Policy document. For approved events, alcoholic beverage consumption must follow the regulations set forth in this document.

- A. No alcoholic beverages or empty alcohol containers are permitted in the Magnolia or Palmetto House or other residence areas even if residents or guests are at least 21 years of age. Alcohol is permitted in the Villa apartments for those who are at least 21 years of age; the alcohol must be limited to one six-pack of beer or one bottle of wine (not to exceed 750 ml). No distilled/spirituous liquor is allowed in a University housing facility.
- B. Alcohol discovered in a common room or common space of a University housing facility will result in all residents assigned to that apartment/suite being documented, unless the responsible party comes forward to accept responsibility.
- C. Possession of alcoholic beverage containers and/or alcohol paraphernalia (e.g. shot glasses) or the display of advertisements for alcoholic beverages in any form, including posters, is prohibited on USC Upstate property.
- D. Aiding and abetting in the sale or transfer of alcoholic beverages to any person under the age of 21 is prohibited.
- E. Drinking contests or games are prohibited on the USC Upstate campus.
- F. Anyone who appears on campus and is obviously impaired as a result of being under the influence of any substance may be asked to leave and is subject to appropriate sanctions. A University Police Officer will be called to assist the individual(s) with safety and/or transportation.
- G. Property damage as a result of alcohol or other drugs use will not be tolerated, and the

individual(s) responsible for the damage will be subject to any and all sanctions designated by this policy as well as any other applicable policies and in accordance with the [USC Upstate Code of Student Conduct](#).

- H. Alcohol may be served at University-sponsored events, both on and off campus, if the event is approved by the University.
- I. Soft drinks or other non-alcoholic beverages such as water, punch, and fruit drinks must be available in the same location and must be featured as prominently as the alcoholic beverages during the entire time alcoholic beverages are being served at approved events.
- J. Food and/or snacks and non-alcoholic beverages must be prominently displayed and available during the entire event.
- K. Individual units may implement more restrictive policies relating to the use and/or promotion of alcohol within their facilities that are otherwise in accordance with University policy and local, state, and federal laws.
- L. Registered student organizations on a University-related trip must comply with the [USC Upstate Code of Student Conduct](#) and local, state, federal, and international laws that apply to USC Upstate students.
- M. Funds allocated to a registered student organization from the Office of Student Involvement or otherwise from the University must not be used to purchase alcoholic beverages.
- N. Funds collected through a registered student organization's voluntary dues, donations, or fund-raising may be used to purchase alcoholic beverages if the purchase and use of those beverages is otherwise in accordance with University policy and local, state, and federal laws.
- O. Advertising that promotes the use of alcohol, illegal drugs, or the misuse of prescription drugs is prohibited on USC Upstate property. This applies to events and activities organized or sponsored by the University. Advertising for events should focus on the purpose or theme of the event and not on the availability of alcohol in ways that imply drinking is the focus, such as a "beer blast," "forty kegs," or "all the beer you can drink."
- P. The unlawful manufacture, possession, use, or distribution of illicit drugs or controlled substances on University property or as part of University activities is strictly prohibited.
- Q. USC Upstate faculty, staff, student employees, students, volunteers, vendors, and visitors must abide by all applicable local, state, and federal laws regarding the use of alcohol, illicit drugs, and controlled substances. For more information, see the South Carolina Code of Laws ([SC Alcoholic Beverage Control Act](#); [Poisons, Drugs, and Other Controlled Substances](#)), the South Carolina State Law Enforcement Division ([Alcohol, Narcotics, and Vice Services](#)), and <http://www.com.ohio.gov/liqr/> the [U.S. Drug Enforcement Administration](#).

II. POLICY FOR UNIVERSITY EVENTS INVOLVING ALCOHOL

This policy governs the approval process, licensing requirements, and expectations for possession and consumption of beer, wine, and distilled spirits at University-approved events sponsored or hosted by any individual, department, or organization of the University of South Carolina Upstate, both on and off campus. Also included in this policy are persons or entities external to the University who contract with the Office of Special Events and Facilities Scheduling for alcoholic beverage services for University-approved events both on and off campus. This policy is based on a concern for the welfare of all persons using University grounds or facilities. Individuals are expected to comply with and abide by the regulations listed in this policy. Moreover, all activities conducted shall be in accordance with the intent of the law.

- A. Consumption or display of beverages containing alcohol is limited to specific campus areas listed in this policy. Possession and consumption in non-approved areas of campus is prohibited. However, consumption or public display of beer or wine** may be permitted for social activities in restricted areas of campus when approved. Approved areas include:
1. Administrative Lobby and designated conference rooms
 2. HPAC (1st and 2nd floor lobby)
 3. Sansbury Campus Life Center (i.e., dining room, multi-purpose room, private dining area)
 4. George Dean Johnson, Jr. College of Business and Economics
 5. Hodge Center
 6. All athletic competition sites on the USC Upstate campus
 7. Upstate Gallery on Main, 172 Main Street, Spartanburg, SC 29302
 8. CASB Lobby and Room 117
 9. Burroughs Conference Room 117
 10. University Readiness Center Building
 11. HEC – J.M. Smith Board Room
 12. UCG – Admissions Lobby Area
 13. Additional locations may be approved by the Director of Risk Management on a per-event basis.
- B. The University reserves the right to deny any requests for the possession, use, or consumption of alcoholic beverages on campus. Guidelines for approval are found in this document and listed on the [Alcohol Request Form](#).
- C. Approval Basics
1. No University funds can be used to purchase alcoholic beverages. Permissible funding sources for alcohol are addressed in the approval process for University events involving alcohol.
 2. Beer and wine** may be allowed only in quantities specified on the registration form.
 3. Only those aged 21 or older are permitted to consume alcoholic beverages.
 4. Consumption of alcoholic beverages must be secondary to the major purpose of the activity or event (e.g., awards dinner, symposium, reception, dance, etc.).
 5. Announcements for the event should not advertise beer, wine, or distilled spirits as the primary message. If a non-University source is utilized to provide advertisements for an event, the content of the advertisement or promotion must clearly promote the individual's name or organization's name and function as its central message. This requirement includes all flyers, posters, banners, newspaper ads, social media posts, etc. Such advertising must be approved by the Office of Student Affairs.
 6. Sodexo Food Services is the designated contractual provider to serve alcoholic

beverages. If Sodexo personnel are not available to serve, a qualified vendor must be secured and approved by the Office of Special Events and Facilities Scheduling and the Director of Risk Management. The Sodexo or other contracted service provider pouring and/or providing alcoholic beverages is responsible for verifying the age of the person ordering alcoholic beverages. A representative from Sodexo or other contracted service provider will be present at events where alcoholic beverages are served.

7. The qualified vendor must have the required [license](#) with the South Carolina Department of Revenue, Alcohol Control Board and name USC Upstate as an additional insured with a \$1,000,000 bond.
8. The Sodexo Food Services Catering Manager must be notified of the licensed pouring Vendor, and the requisite approved documents must be submitted four (4) weeks in advance of the scheduled event.

D. Procedures for Approval to Serve Alcohol (Beer, Wine, Distilled Spirits)

1. **Student Requests** to Serve Beer and Wine

- a. The USC Upstate student completes an [Alcohol Request Form](#) and submits the form to the Office of Special Events and Facilities Scheduling.
- b. The student's Alcohol Request Form should be received by the Office of Special Events and Facilities Scheduling at least thirty (30) days in advance of the event.
- c. The Office of Special Events and Facilities Scheduling reviews the form and forwards it to the Director of Risk Management for review.
- d. The Director of Risk Management may approve or deny the request or request more information from the applicant. The Office of Special Events and Facilities Scheduling, the Director of Risk Management, or the Chief of University Police may consult with the Vice Chancellor for Student Affairs regarding student alcoholic beverage requests.
- e. The student requests a [license](#) from the South Carolina Department of Revenue, Alcohol Beverage Licensing. This [license](#) is required even if the purchase of alcoholic beverages is from indirect sources such as previous ticket sales, donations at the door, etc. This [license](#) must be obtained prior to the event or alcoholic beverages will not be approved for or served at the function.
- f. The [license](#) is forwarded to the Chief of University Police for approval. A copy of the approved [license](#) signed by the Chief of University Police is forwarded to the Director of Risk Management for approval.
- g. USC Upstate students may invite one (1) non-University of South Carolina Upstate person as a guest at a group activity where beer, wine, or distilled spirits is present.

2. **USC Upstate Faculty, Staff, or Outside Party Requests** to Serve Beer and Wine

- a. The faculty, staff, or outside party completes an [Alcohol Request Form](#)<http://www.uscupstate.edu/campus-services/special-events/> and submits the form to the Office of Special Events and Facilities Scheduling.
- b. The faculty, staff, or outside party's Alcohol Request Form should be received by the Office of Special Events and Facilities Scheduling thirty (30) days in advance of the event.
- c. The Office of Special Events and Facilities Scheduling reviews the form and forwards it to the Director of Risk Management for review.
- d. The faculty, staff, or outside party requests a [license](#) from the South Carolina Department of Revenue, Alcohol Beverage Licensing. This [license](#) is required even if the purchase of alcoholic beverages is from indirect sources such as ticket sales, donations at the door, etc. This [license](#) must be obtained prior to the event or alcoholic beverages will not be approved for or served at the function.
- e. The [license](#) is forwarded to the Chief of University Police for approval. A copy of

the approved [license](#) signed by the Chief of University Police is forwarded to the Director of Risk Management for approval.

3. Approval to Serve Distilled Spirits

Requests to serve distilled spirits (vodka, gin, bourbon, rum, etc.) **may** be approved. The procedures are the same as those detailed above in the section for students and in the section for faculty, staff, or outside parties. However, all requests to serve distilled spirits **must** have prior approval from the Chancellor of the University.

4. Responsibilities of the Sponsoring Individual or Organization

The University of South Carolina Upstate has established policies and procedures to allow for the low risk use of beer or wine** at approved events and programs. A designated “sponsoring” individual representing an event or organization must be identified who will be responsible for the implementation of the requirements as outlined on the [Alcohol Request Form](#).

- a. Organizations sponsoring off-campus events not sanctioned by the University where alcoholic beverages are served may not use the University’s name as a sponsoring entity. These events are not sanctioned by the University. However, off-campus events sanctioned by the University may use the University’s name as a sponsoring entity.
- b. A request for serving alcoholic beverages (i.e. beer, wine, distilled spirits) at an event must list the name and phone number of the sponsoring individual, the location of the event, the approximate number of participants, the hours of the event, the hours alcoholic beverages will be served, and the sponsor’s signature. Only members and invited guests may attend.
- c. At an event where alcoholic beverages are served, arrangements must be made by the sponsoring individual to limit the availability of alcoholic beverages to the period of time listed. The sponsoring individual will be in charge of checking I.D.s or tagging those of legal drinking age where students or underage individuals will be present.
- d. Serving of alcoholic beverages must cease one hour prior to the end of the function unless the event where alcoholic beverages is served is less than 3 hours in duration. All events where alcoholic beverages are served must end no later than 1:00 am. Exceptions may be made by the Director of Risk Management.
- e. All persons or groups wishing to serve alcoholic beverages will receive and sign a copy of the USC Upstate Alcohol and Other Drugs Policy regarding their responsibilities related to sponsorship of an activity where alcoholic beverages are served.
- f. All individuals wishing to consume alcoholic beverages at a University-sponsored event must be prepared to show identification such as a valid driver’s license or state-issued identification card.
- g. While being transported to or on campus, containers of beer, wine, or distilled spirits must be sealed and covered.
- h. Containers of beer or wine** such as kegs, party balls, etc., are not permitted at any event held on campus with the exception that a state licensed distributor may supply beer kegs for the Department of Athletics for Beer Gardens and Athletic contests. However, beverages must be served using individual containers such as cups rather than larger containers such as pitchers. With University approval, kegs may be permitted for on-campus events held by outside parties.
- i. In order to ensure full compliance with these guidelines at group events, hosts are encouraged to have participants wear, in a clearly visible place, a student age-stamped I.D. card, a wrist-tie bracelet, or some other appropriate non-transferable proof of age.
- j. Student organizations must designate a student officer and advisor who will supervise each organization-sponsored event. The sponsoring organization, its officers, members, and guests assume all responsibility for complying with local,

state, and federal laws, and University of South Carolina Upstate policies governing the serving of beer and wine.** In order to comply with specific University guidelines, certain University-sponsored student activity events may require the presence of University Police officers.

E. Law Enforcement Staffing

In consultation with the Director of Risk Management and/or the Vice Chancellor for Student Affairs, the Chief of University Police or his/her designee will determine whether University Police officers should be assigned to the event, and if so, how many. The cost for assigning a police officer to the event is borne by the sponsoring host, hostess, or organization. The factors for considering and determining police presence include the following.

1. Anticipated event attendance
2. Type of event
3. Location and time of day
4. History of the event (if applicable)
5. Weather
6. Information received prior to the event indicating a potential need for police presence

III. TAILGATING POLICY REGARDING ALCOHOL

The University of South Carolina Upstate has created these guidelines for consuming alcohol while tailgating at University athletic events. This policy provides parameters for tailgating participants to enjoy their event in a space that discourages excessive consumption of alcohol** and promotes positive behaviors among all attendees.

The tailgating information presented here is the part of a larger policy that addresses the use of alcohol while tailgating. See [Tailgating at USC Upstate](#) for the entire policy.

- A. Tailgating may begin two (2) hours prior to the commencement of the athletic event, and tailgating shall terminate upon conclusion of the athletic event.
- B. Persons within the designated tailgating area must have available a picture ID with date of birth.
- C. Persons 21 and over that purchase an alcoholic beverage** will be provided a wrist band indicating they are of legal age to consume alcoholic beverages.
- D. Consumption of alcoholic beverages is limited to the designated tailgating area.
- E. Distilled spirits are not allowed unless previously approved by the Chancellor. Kegs of beer are prohibited unless provided by a University-approved event vendor.
- F. Drinking contests or games are prohibited on the USC Upstate campus, including the designated tailgating areas.
- G. Consumption of alcoholic beverages outside of designated tailgating area(s) and/or the designated time period is a violation of the Tailgating Policy.
- H. A colored Solo Cup (preferably green) will be used by students for consuming non-alcoholic beverages such as water, lemonade, sodas, etc.

I. Glass containers are prohibited.

J. Violators are subject to prosecution under the USC Upstate Code of Student Conduct and/or applicable local, state, or federal laws and ordinances.

SPECIAL NOTE: – Definition of alcohol (alcoholic liquors):

SC State Statute 63-19-2450 states that (A) It is unlawful for a person under the age of 21 to purchase, attempt to purchase, consume, or knowingly possess **alcoholic liquors**. As used in the Alcohol Bev Control Act Ch 6 Article 1, unless the context clearly requires otherwise:

(1)(a) "**Alcoholic liquors**" or "**alcoholic beverages**" means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), **or other liquors** or a compound or mixture of them. Possession is prima facie evidence that it was knowingly possessed. It is unlawful for a person to falsely represent his age for the purpose of procuring alcoholic liquors. Notwithstanding another provision of law, if the law enforcement officer has probable cause to believe that a person is under age 21 and has consumed alcohol, the law enforcement officer or the person may request that the person submit to any available alcohol screening test using a device approved by the State Law Enforcement Division.

IV. POLICY IN GENERAL – DRUGS

The unauthorized possession, use, manufacture, sale, or distribution of any narcotic, mind-altering, counterfeit, illegal/illicit, dangerous, designer, or controlled drug or prescription medication is prohibited. Violations of any other provision of the USC Upstate Code of Student Conduct while under the influence of any illegal or illegally obtained drug is also a violation of this policy. The possession of drug paraphernalia is prohibited.

- A. Possession of use of prescription drugs prescribed to another individual is prohibited.
- B. The sale of one's own valid prescription is prohibited.
- C. Possession of illegal drugs with the intent to sell or distribute will be handled in accordance with local, state, and federal laws. No educational sanctions are necessary as a first offense of this nature warrants immediate suspension or expulsion.
- D. Possession of drug paraphernalia or the display of advertisements for illegal drugs in any form, including posters, is prohibited.
- E. Anyone who appears on campus and is obviously impaired as a result of being under the influence of any substance may be asked to leave and is subject to appropriate sanctions. A University Police Officer will be called to assist the individual(s) with safety and/or transportation.
- F. Use of any drugs which jeopardize or endanger the welfare of oneself or others or contributes to other irresponsible or offensive student action(s) or behavior(s) is prohibited.
- G. Use, sharing, or distribution of drug paraphernalia is prohibited.
- H. Intentionally smelling or inhaling the fumes or vapors of any substance not manufactured or sold for human consumption for the purpose of causing a condition of intoxication or

distorting and/or disturbing auditory, visual, mental, or nervous processes, or that causes any of these effects is prohibited.

- I. USC Upstate faculty, staff, student employees, students, volunteers, vendors, and visitors must abide by all applicable local, state, and federal laws regarding the use of alcohol, illicit drugs, and controlled substances. For more information, see the South Carolina Code of Laws ([SC Alcoholic Beverage Control Act; Poisons, Drugs, and Other Controlled Substances](#)), the South Carolina State Law Enforcement Division ([Alcohol, Narcotics, and Vice Services](#)), and <http://www.com.ohio.gov/liqr/> the [U.S. Drug Enforcement Administration](#).

V. ALCOHOL AND OTHER DRUGS CRIMINAL BEHAVIORS UNDER LOCAL, STATE, AND FEDERAL LAWS

A. Underage Drinking

1. Purchase, order, pay for, or share the cost of alcohol if you are under 21.
2. Possess alcohol if you are under 21.
3. Consume alcohol if you are under 21.
4. Sell alcohol to, buy alcohol for, or furnish alcohol to anyone under 21.
5. Allow anyone under 21 who possesses or consumes alcohol to remain in your home, apartment, or residence hall room, or in other property that you own or occupy.

B. False Identification

1. Show or give false information about your name, age, or other identification to purchase or obtain alcohol if you are under 21.
2. Provide false information about the name, age, or other identification of another person under 21 to purchase or obtain alcohol for that person.

C. Open Containers

1. Have an open container of alcohol in your possession in any unlicensed public place.
2. Have an open container of alcohol in your possession while driving or riding in or on a motor vehicle.
3. Have an open container of alcohol in your possession while in or on a motor vehicle that is parked in or on a highway, street, or other place open to the public for parking (except in areas approved for tailgating at USC Upstate).

D. Transportation

1. Operate a vehicle under the influence. If you are under 21, you are considered to be operating a vehicle under the influence if your blood alcohol level is .02 or higher and 0.08 at age 21.
2. Refuse an alcohol test.
3. Consume alcohol while in a motor vehicle.
4. Drive while under the influence of alcohol.
5. Are in physical control of a vehicle while drinking or under the influence of alcohol.

E. Disorderly Conduct

1. Be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise be behaving in a disorderly or boisterous manner.
2. Discharge any gun, pistol, or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, while under the influence or

feigning to be under the influence of intoxicating liquor, without just cause or excuse.

F. Alcohol Sales

Hold an event where alcohol is sold or an event where alcohol is provided without charge, but there is an entrance fee, cover charge, or other fee, without an appropriate permit. Information on how to obtain a temporary liquor

[licensehttps://dor.sc.gov/forms-site/Forms/ABL901.pdf](https://dor.sc.gov/forms-site/Forms/ABL901.pdf) is available from the South Carolina Department of Revenue, Alcohol Control Board.

G. Illicit Drugs

1. Sell or offer to sell any controlled substance, or prepare or package any controlled substance for sale.
2. Distribute any controlled substance, unless authorized to do so by law.
3. Knowingly obtain, possess, or use a controlled substance without a prescription.

VI. UNIVERSITY-LEVEL SANCTIONS FOR VIOLATIONS OF THE ALCOHOL AND OTHER DRUGS POLICY

A. Faculty, Staff, and Student Employee Sanctions

No employee shall report for duty or remain on duty under the influence of alcohol, any illegal drugs, or unauthorized prescription medication. Violation of this policy by faculty, regardless of tenure status, will lead to disciplinary actions up to and including termination based upon the criteria in the [Faculty Manual 2019](#) and may include criminal sanctions. Violation of this policy by staff employees will be cause for disciplinary actions up to and including termination, pursuant to [HR 1.39 Disciplinary Action & Termination for Cause](#) and may include criminal sanctions. Violation of this policy by student employees will lead to the sanctions listed below and may include criminal sanctions.

Additional information for faculty, staff, and student employees may be found in the Office of Human Resources document HR 1.01 [Drug-Free Workplace Policy](#).

B. Student Sanctions

1. Violations Involving Alcohol

- (a) 1st Offense
 - (1) \$50 fine
 - (2) Written reprimand
 - (3) Online alcohol educational workshop
 - (4) Assessment at Carolina Center for Behavioral Health or another appropriate Community agency at the student's expense
 - (5) Up to 15 community services hours, written reflection paper, and notification of parents or legal guardians
- (b) 2nd Offense
 - (1) \$100 fine
 - (2) Probation
 - (3) Loss of privileges if a residential student
 - (4) Online alcohol educational workshop
 - (5) Notification of parents or legal guardians
 - (6) Possible removal from Housing if a residential student
- (c) 3rd Offense

- (1) \$200 fine
- (2) Removal from University Housing if a residential student
- (3) Possible suspension
- (4) Online alcohol educational workshop
- (5) Assessment at Carolina Center for Behavioral Health or another appropriate community agency at the student's expense
- (6) Up to 25 community services hours
- (7) Notification of parents or legal guardians

Note: If the violation includes behaviors that threaten the health or safety of others and/or cause damage to personal or University property, the fines increase:

1st Offense: \$100

2nd Offense: \$200

3rd Offense: \$300

2. Violations Involving Drugs

(a) 1st Offense

- (1) \$50 fine
- (2) Possible removal from Housing if a residential student
- (3) Notification of parents or legal guardians
- (4) Online educational workshop
- (5) Assessment at Carolina Center for Behavioral Health or another appropriate community agency at the student's expense.
- (6) Drug testing
- (7) Possible suspension or expulsion

(b) 2nd Offense:

- (1) \$100 fine
- (2) Removal from Housing if a residential student
- (3) Notification of parents or legal guardians
- (4) Online educational workshop
- (5) Assessment at Carolina Center for Behavioral Health or another appropriate community agency at the student's expense
- (6) Drug testing
- (7) Possible expulsion

Note:

Fines for possessing (without intent to distribute) a Schedule III-IV controlled substance (including, but not limited to, marijuana, steroids, prescription drugs for which the person does not have a valid prescription) are:

1st Offense: \$100

2nd Offense: \$250

Fines for possessing (without intent to distribute) a Schedule I-II controlled substance (including, but not limited to, heroin, LSD, opium, cocaine, amphetamine, methamphetamine, ecstasy) are:

1st Offense: \$200

2nd Offense: \$300

Additional information for students is available in the [USC Upstate Code of Student Conduct](#).

VII. SOUTH CAROLINA ALCOHOL AND DRUG LAWS AND CRIMINAL SANCTIONS

- A. Underage drinking: [SC Juvenile Justice Code 63-19-2440](#) provides that no person under the age of 21 shall purchase beer, ale, porter, wine, or other similar malt or fermented beverage. **** Penalty for Violation:** Violation of this statute will result in a fine of not less than \$100 but not more than \$200 and successful completion of a South Carolina Department of Alcohol and Other Drug Abuse Services ([DAODAS](#)) approved alcohol prevention, education, or intervention program.
- B. False identification used to purchase alcohol for someone under 21: [SC State Statute 61-4-80](#) provides that it is unlawful to purchase beer or wine** while on licensed premises to give the beer or wine** to a person to whom beer or wine** cannot lawfully be sold on the premises. **Penalty for Violation:** A person who violates the provisions of this section, upon conviction, (1) for a first offense, must be fined not less than \$200 nor more than \$300 or imprisoned not more than 30 days, or both; and (2) for a second or subsequent offense, must be fined not less than \$400 nor more than \$500 or imprisoned not more than 30 days, or both. [SC State Statute 61-4-90](#) provides that (A) it is unlawful for a person to transfer or give to a person under the age of 21 years for the purpose of consumption beer or wine** in the State, unless the person under the age of 21 years is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer or wine** to a minor. **Penalty for Violation:** A person who violates the provisions of this section, upon conviction, (1) for a first offense, must be fined not less than \$200 nor more than \$300 or imprisoned not more than 30 days, or both; and (2) for a second or subsequent offense, must be fined not less than \$400 nor more than \$500 or imprisoned not more than 30 days, or both.
- C. False identification used to purchase alcohol by someone under 21: [SC State Statute 61-4-60](#) provides that it is unlawful for a person to whom beer or wine** cannot be lawfully sold to knowingly give false information concerning his/her age for the purpose of purchasing beer or wine. **** Penalty for Violation:** A person who violates the provisions of this section, upon conviction, must be fined not less than \$100 nor more than \$200 or be imprisoned for not more than 30 days, or both.
- D. Open container in a motor vehicle: [SC State Statute 61-4-110](#) provides that it is unlawful for a person to have in his or her possession, except in the trunk or luggage compartment, beer or wine** in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this State. This section must not be construed to prohibit the transporting of beer or wine** in a closed container, and this section does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement officers are on duty to perform traffic control duties. **Penalty for Violation:** A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned for not more than 30 days.
- E. Furnishing or selling alcohol to someone under 21: [SC State Statute 61-4-50](#) provides that it is unlawful for a person to sell beer, ale, porter, wine or other similar malt or fermented beverage** to a person under 21 years of age. A person who makes a sale in violation of this section, upon conviction: (1) for a first offense, must be fined not less than \$200 dollars nor more than \$300 or imprisoned not more than 30 days, or both; and (2) for a second or subsequent offense, must be fined not less than \$400 nor more than \$500 or imprisoned not more than 30 days, or both. Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this

section. **Penalty for Violation:** A person who violates the provisions of this section is required to successfully complete a [DAODAS](#)- approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed \$50.

- F. Underage purchase, possession or consumption of alcohol: [SC Juvenile Justice Code 63-19- 2440](#) provides that it is unlawful for a person under the age of 21 to purchase, attempt to purchase, consume, or knowingly possess beer, ale, porter, wine, or other similar malt or fermented beverage. ** Possession is prima facie evidence that it was knowingly possessed. Notwithstanding another provision of law, if the law enforcement officer has probable cause to believe that a person is under age 21 and has consumed alcohol, the law enforcement officer or the person may request that the person submit to any available alcohol screening test using a device approved by the State Law Enforcement Division. **Penalty for Violation:** A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than \$100 nor more than \$200 or must be imprisoned for not more than 30 days, or both. A person who violates the provisions of this section also is required to complete successfully a [DAODAS](#)-approved alcohol prevention, education, or intervention program. The program must be a minimum of eight hours and the cost to the person may not exceed \$150.
- G. Driving while intoxicated: [SC State Statute 56-5-2930](#) provides that it is unlawful for a person to drive a motor vehicle within this State while under the influence of alcohol to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, or under the combined influence of alcohol and any other drug(s) or substances which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired. **Penalty for Violation:** A person who violates the provisions of this section is guilty of the offense of driving under the influence.
- H. Driving with an unlawful alcohol concentration: [SC State Statute 56-5-2933](#) provides that it is unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is 0.08 of one percent or more. **Penalty for Violation:** A person who violates the provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows: For a first offense, by a fine of \$400 or imprisonment for not less than 48 hours nor more than 30 days. However, in lieu of the 48-hour minimum imprisonment, the court may provide for 48 hours of public service employment. For a second offense, by a fine of not less \$2100 nor more than \$5100 and imprisonment for not less than five days nor more than one year. For a third offense, by a fine of not less than \$3800 nor more than \$6300 dollars, and imprisonment for not less than 60 days nor more than three years. For a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years.
- I. Refusing a chemical test for presence of alcohol, drugs, or a combination of alcohol and drugs: According to [SC State Statute 56-5-2950](#) (A), a person who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or the combination of alcohol and drugs. **Penalty for Violation:** (B)(1) The person does not have to take the test or give the samples, but that person's privilege to drive must be suspended or denied for at least six months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program.

- J. Disorderly conduct: [SC State Statute 16-17-530](#) (A) provides that it is unlawful for a person to (1) Be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise be conducting him/herself in a disorderly or boisterous manner; or (3) discharge any gun, pistol, or other firearm while upon or within 50 yards of any public road or highway, except upon his own premises, while under the influence or feigning to be under the influence of intoxicating liquor, without just cause

or

excuse. **Penalty for Violation:** A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or be imprisoned for not more than 30 days. However, conditional discharge may be granted by the court in accordance with the provisions of this section upon approval by the circuit solicitor.

- K. Selling or distributing illicit drugs: [SC Statute 44-53-370](#) provides that, except as authorized by this article, it is unlawful for any person: (1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue; (2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance. **Penalty for Violation:** For a person who violates the provisions of this section for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in [SC State Statute 14-1-205](#). The assessment portion of the bail must be distributed as provided in [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable.

- L. Possessing or using illicit drugs: [SC State Statute 44-53-370](#) (c) provides that it is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. **Penalty for Violation:** When a person is charged under this section for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in [SC State Statute 14-1-205](#). The assessment portion of the bail must be distributed as provided in [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable.

- M. Possessing or selling drug paraphernalia: [SC State Statute 44-53-391](#) (a) provides that it is unlawful to advertise for sale, manufacture, possess, sell or deliver, or to possess with intent to sell or deliver, paraphernalia. (b) In determining whether an object is paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use;
 2. The proximity of the object to controlled substances;

3. The existence of any residue of controlled substances on the object;
 4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 5. Instructions, oral or written, provided with the object concerning its use;
 6. Descriptive materials accompanying the object which explain or depict its use;
 7. National and local advertising concerning it use;
 8. The manner in which the object is displayed for sale;
 9. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 10. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
 11. The existence and scope of legitimate uses for the object in the community;
 12. Expert testimony concerning its use.
- (c) **Penalty for Violation:** Any person found guilty of violating the provisions of this section shall be subject to a civil fine of not more than \$500 except that a corporation shall be subject to a civil fine of not more than \$50,000. Imposition of such fine shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

N. A complete list of South Carolina state drug statutes can be found at [SC Code of Laws, Title 44, Chapter 53: Poisons, Drugs, and Other Controlled Substances.](#)

VIII. FEDERAL DRUG LAWS AND CRIMINAL SANCTIONS

- A. Federal law prohibits the trafficking and illegal possession of controlled substances as outlined in [21 U.S. Code Section 841](#) and [21 U.S. Code Section 844](#). **Penalty for Violation:** Depending on the amount possessed, first offense maximum penalties for trafficking marijuana range from five years' imprisonment with a \$250,000 fine to imprisonment for life with a \$10 million fine for an individual, and from five years imprisonment with a \$1million fine to imprisonment for life with a \$50 million fine if not an individual. Also depending on the amount possessed, first offense maximum penalties for trafficking Class I and Class II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years' imprisonment with a \$5 million fine to imprisonment for life with a \$10 million fine for an individual, and from five years' imprisonment with a \$25 million fine to imprisonment for life with a \$50 million fine if not an individual. First offense penalties for simple possession, [21 U.S. Code Section 844](#), range from at most one years' imprisonment or at least a \$1,000, fine or both; to at most 20 years' imprisonment and a fine of at least \$1,000.
- B. The most current and complete information regarding federal penalties for drug trafficking can be found at [U.S. DEA Drugs of Abuse, Federal Trafficking Penalties.](#)

C. Disclaimer

1. This information is provided as a general summary of the major applicable laws. Laws are frequently amended and reinterpreted, and the application of law to specific situations generally requires an analysis of all of the facts and circumstances. This information should not be substituted for specific legal advice.
2. If you are charged with a crime it is a good idea to seek advice of an attorney. Updates to these laws are generally reflected on the websites mentioned here, but individuals ultimately are responsible for knowing the laws. This information should not be substituted for specific legal advice.
3. USC Upstate's [USC Upstate Code of Student Conduct](#) and University policies and rules are campus behavior and safety standards that may result in sanctions, educational outcomes, or penalties that are independent of any criminal considerations.
4. Violation of the laws referenced previously also may be a violation of the [USC Upstate Code of Student Conduct](#) and University policies and could result in University sanctions. It also should be noted that the University's expectations for appropriate behavior are higher than those under the law.

IX. ALCOHOL AND OTHER DRUGS EDUCATION

The University of South Carolina Upstate's Alcohol and Other Drugs Policy follows the local, state, and federal laws regarding the use of alcohol and other drugs. All students, faculty, staff, and visitors are viewed by USC Upstate as individually responsible and legally accountable for their actions regarding alcohol and other drugs. While enrolled at the University of South Carolina Upstate, students are held to these standards with no regard to location. USC Upstate is committed to providing a safe and healthy environment for students, faculty, staff, and visitors.

Some of our resources include:

- A. Alcohol and other drugs education courses (*Not Anymore for Alcohol & Other Drugs*)
for all incoming students;
- B. Substance use screening and assessment;
- C. Educational seminars and presentations;
- D. Campus events.

Not Anymore for Alcohol & Other Drugs is a 30-minute, reality-driven suite of interactive, online videos and tests designed to educate students on the risks of the abuse of alcohol and other drugs, and to teach successful strategies for handling dangerous situations related to these substances. Student testimonials throughout the program foster viewer empathy on these issues to help reduce the abuse of alcohol and other drugs.

Not Anymore for Alcohol & Other Drugs features four modules: Your GPA, Your Brain, Your Peers, and Your Life. Each section provides extensive, research-backed evidence of the detrimental effects that alcohol and other drugs can have, and how social skills and interactions can help reduce harm associated with these substances.

USC Upstate Counseling Services offers the Counseling Center Assessment of Psychological Symptoms (CCAPS)-Screen, an online, anonymous mental health instrument that assesses the most common psychological problems experienced by college students. The CCAPS-Screen is a 36-item instrument with eight subscales: Depression, Generalized Anxiety, Social Anxiety, Academic Distress, Eating Concerns, Frustration, Family Distress,

and Alcohol Use. A critical item on the instrument relates to the reporting of Suicidal Ideation with the last two weeks. Counseling Services also offers the Sharpen mental health application, which contains information about substance use.

Through the USC Upstate Office of Institutional Effectiveness and Compliance, the University participates in the American College Health Association-National College Health Assessment III (ACHA-NCHA III) Survey, which assesses for alcohol, tobacco, and other drug use. The ACHA-NCHA III supports the health of the campus community by fulfilling the academic mission, supporting short- and long-term healthy behaviors, and gaining a current profile of health trends within the campus community.

USC Upstate provides information about alcohol and other drug use to students on both the main campus and the Greenville Campus and encourages students to address high-risk behaviors associated with heavy alcohol and/or other drug use. The University provides off-campus referral for some services such as detoxification.

Faculty, staff and students should be aware of health risks associated with:

- A. the use of alcohol, ** particularly high risk use;
- B. the use of illicit drugs;
- C. the misuse of over-the-counter and prescription medications;
- D. the combination of two or more drugs.

The likelihood of negative physical and/or psychological effects is increased by:

- A. the type, amount, and strength of the drug or drugs used;
- B. interactions of two or more drugs;
- C. physical and emotional states;
- D. physical differences in body size and condition, gender, age, and family history;
- E. activities engaged in while under the influence.

Problems endangering health also occur if the use of mood altering substances is combined with activities involving coordination and judgment skills, such as driving. The use of some drugs, particularly cocaine, poses health risks if used during strenuous physical activity. Information on the health risks associated with the use of alcohol and other drugs is located in the document [Alcohol and Other Drugs Health Risks](#). Information about local treatment resources for alcohol and other drugs issues is available at [Substance Abuse Treatment Resources](#).

This information is provided to meet federal standards set forth in the [Drug-Free Workplace Act of 1988](#) and the [Drug-Free Schools and Communities Act Amendments of 1989](#).

X. ALCOHOL AND OTHER DRUGS (AOD) POLICY IMPLEMENTATION RESPONSIBILITIES

Position or Office	Responsibilities
University leaders, managers, and supervisors	<ol style="list-style-type: none">1. Communicate policy expectations to direct reports.2. Hold individuals responsible for compliance.3. Communicate policy violations to leaders and managers.
Office of Risk	<ol style="list-style-type: none">1. Develop and update the AOD Policy and related documents.

Management	<ol style="list-style-type: none"> 2. Implement the AOD Policy. 3. Communicate AOD Policy to auditors. 4. Approve requests to serve alcohol at campus events.
Metropolitan Studies Institute	Develop and submit the Biennial Review Report.
University Police	<ol style="list-style-type: none"> 1. Approve requests to serve alcohol at campus events. 2. Provide law enforcement staff at campus events where necessary. 3. Receive reports of AOD violations and process for criminal action where appropriate.
Office of Student Involvement	<ol style="list-style-type: none"> 1. Communicate policy expectations to the University community. 2. Consult with students on the policies. 3. Review policies and update as needed. 4. Review, and when appropriate, approve student requests to serve alcohol at events. 5. Approve all advertising (flyers, posters, banners, newspaper ads, social media posts, etc.) for campus-sponsored events involving alcohol. 6. Investigate and adjudicate commuter student violations of AOD policy and administer sanctions.
Student Affairs	<ol style="list-style-type: none"> 1. Approve advertising for University-approved events where alcoholic beverages will be served. 2. When requested, consult with the Office of Special Events and Facilities Scheduling, the Director of Risk Management, and/or the Chief of University Police regarding approval or denial of student requests to serve alcoholic beverages at University-approved events. 3. When requested, consult with Chief of University Police regarding law enforcement staffing for University-approved events where alcoholic beverages will be served.
Housing and Residential Life	Investigate and adjudicate residential student violations of AOD policy and administer sanctions.
Diversity and Equity Office	Provide education and support regarding alcohol and other drugs.
Business and Finance	<ol style="list-style-type: none"> 1. Communicate policy expectations to the University community. 2. Consult with direct report units on the policies. 3. Review, and when appropriate, approve college and support unit requests to serve alcohol at events.
Legal Office	<ol style="list-style-type: none"> 1. Communicate policy expectations to the University community. 2. Consult with direct report units on the policies. 3. Review authorization forms and update as needed.
University	Communicate to the University community through a biennial

Communications	notification, which must include the following: standards of conduct; a description of sanctions for violating federal, state, and local laws and campus policies; a description of health risks associated with AOD use; and a description of treatment options.
Human Resources	<ol style="list-style-type: none"> 1. Communicate policy expectations to the University community. 2. Consult with units on the policies. 3. Provide information on support services. 4. Address and refer policy violations to the appropriate position or office.
Office of Institutional Effectiveness and Compliance	<ol style="list-style-type: none"> 1. Administer the ACHA Health Survey bi-annually 2. Assist University departments in program evaluation when requested.
Office of Special Events and Facilities Scheduling	Contract with outside individuals and entities to serve alcoholic beverages for University-approved events held on or off campus
Employing or volunteer sponsoring unit	<ol style="list-style-type: none"> 1. Communicate policy expectations. 2. Provide information on support services. 3. Address and refer policy violators to the appropriate individual or office.
Individuals	<ol style="list-style-type: none"> 1. Comply with the policies. 2. Inform others about the policies when necessary. 3. Use education and support resources when needed.

XI. RESOURCES

[Alcohol and Other Drugs Health Risks](#)

[Alcohol, Narcotics, and Vice Services](#) <http://www.com.ohio.gov/liqr/>

[Alcohol Request Form](#)

[Drug-Free Schools and Communities Act Amendments of 1989](#)

[Drug-Free Workplace Act of 1988](#)

Office of Human Resources 1.01 [Drug-Free Workplace Policy](#)

[Poisons, Drugs, and Other Controlled Substances](#)

[R U Ok](#) reporting form

[SC Alcoholic Beverage Control Act](#)

[SC Code of Laws Public Disorderly Conduct](#)

South Carolina Department of Revenue Alcohol Beverage Licensing [license](#)

[Spartans Care](#)

[Substance Abuse Treatment Resources](#)

[U.S. Drug Enforcement Administration](#)

[U.S. DEA Drugs of Abuse, Federal Trafficking Penalties](#)

[USC Upstate Code of Student Conduct](#)

[USC Upstate Counseling Services](#)

[USC Upstate Employee Assistance Program \(EAP\)](#)

[USC Upstate Health Services](#)

XII. CONTACTS

Policy Questions	Office of Risk Management Jane Brown jwbrown@uscupstate.edu	864-503-5543
Code of Student Conduct	Vice Chancellor for Student Affairs and Dean of Students – Interim Brit Katz – rk17@uscupstate.edu	864-503-5107
USC Upstate Employee Assistance Program	Employee Relations - Sharon Woods smwoods@uscupstate.edu	864-503-5354
USC Upstate Counseling Services	Liz Jodoin jodoin@uscupstate.edu	864-503-5195
USC Upstate Health Services	Mary Bucher mbucher@uscupstate.edu	864-503-5191
USC Upstate Office of Institutional Effectiveness and Compliance	Kimberly Walker kwalker2@uscupstate.edu	864-503-5466
USC Upstate Office of Special Events and Facilities Scheduling	Hillary Macarthur macarthu@uscupstate.edu	864-503-5985
USC Upstate University Police	Klay Peterson kpete@uscupstate.edu	864-503-5254

** SPECIAL NOTE – Definition of alcohol (alcoholic liquors):

[South Carolina State Statute 63-19-2450](#) states that (A) It is unlawful for a person under the age of twenty-one to purchase, attempt to purchase, consume, or knowingly possess **alcoholic liquors**. As used in the [Alcohol Bev Control Act Ch 6 Article 1](#), unless the context clearly requires otherwise: (1)(a) "**Alcoholic liquors**" or "**alcoholic beverages**" means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or **other liquors** or a compound or mixture of them.

Possession is prima facie evidence that it was knowingly possessed. It is also unlawful for a person to falsely represent his age for the purpose of procuring alcoholic liquors. Notwithstanding another provision of law, if the law enforcement officer has probable cause to believe that a person is under age twenty-one and has consumed alcohol, the law enforcement officer or the person may request that the person submit to any available alcohol screening test using a device approved by the State Law Enforcement Division.

XIII. REFERENCES

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[Beer and Wine Purchase, Consumption, or Possession](#). South Carolina Juvenile Justice Code [Title 63 South Carolina Children’s Code, Chapter 19 Juvenile Justice Code, Article 23 Offenses Involving Minors, Section 2440](#). Retrieved on February 17, 2021, from <https://www.scstatehouse.gov/code/t63c019.php>

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XIV. POLICY DOCUMENT HISTORY

Revised: 4/12/2021