

PHILOSOPHICAL STATEMENT ON ALCOHOL AT CLEMSON UNIVERSITY

Clemson University is committed to providing a campus environment free of abuse of alcohol and the illegal use of alcohol and other drugs. The University will comply with all federal, state, and local laws and policies on the use and abuse of alcohol and other drugs. The legal drinking age in the state of South Carolina is 21. Clemson University provides students of legal age who choose to drink an environment that promotes safety and responsible drinking. Each individual retains responsibility for his or her own actions at all times regardless of his or her mental or physical state, even if altered by alcoholic beverages or other drugs. As an institution of higher education, Clemson University values the concepts of informed decision-making, promotion of healthy behaviors, prevention of disease, and treatment and rehabilitation of dysfunction.

ALCOHOL AND DRUG POLICIES

Standards of Conduct

The illicit or unauthorized manufacture, use, possession, distribution or dispensation of alcohol or illegal drugs on University property or as part of any University activity is prohibited.

Disciplinary Sanctions

The University will impose disciplinary sanctions on students who violate the above standards of conduct. The severity of the imposed sanctions will be appropriate to the violation. Among the disciplinary sanctions that may be imposed are the following: admonition, censure, probation, restriction of privileges, eviction from University housing, suspension, expulsion and referral for prosecution.

University Policy and Federal/State Laws Concerning Alcohol and Drugs

This section explains University policy on the consumption or possession of alcoholic liquor, beer and wine by students on University property. Also included in this section is a brief overview of federal and state laws governing the possession, use and distribution of alcohol and illegal drugs. It is not meant to be an exhaustive or definite statement of various laws, but rather is designed to indicate the types of conduct that are against the law and the range of legal sanctions that can be imposed by such conduct.

Consumption or Possession of Alcoholic Liquor, Beer and Wine By Students on University Property

The consumption or possession of beer or wine by students 21 years old or older is allowed in their private rooms in University housing and in other designated areas on University property in accordance with the Social Policy as stated in the Student Handbook. The consumption or possession of alcoholic liquor, beer or wine by students on University property other than as provided above is prohibited.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance (as of January 24, 1994)

21 U.S.C. 844 (a)

First convictions: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.

After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000 or both.

After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000 or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000 or both if:

I. First crack conviction and the amount of crack possessed exceeds 5 grams.

II. Second crack conviction and the amount of crack possessed exceeds 3 grams.

III. Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853 (a) (2) and 881 (a) (7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881 (a) (4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 884 (a)

Civil fine up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 862 (b)

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922 (g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

South Carolina Drug Laws

Everyone must comply with South Carolina's drug laws. For further information and a complete list of laws relating to offenses, please see Chapter 53, Title 44 of the South Carolina Code of Laws, as amended, which is available in the University's Cooper Library. <http://www.scstatehouse.net/code/statmast.htm>

Be aware that state drug laws are subject to change!

South Carolina Alcohol Beverage Laws

The following is a partial list of South Carolina laws related to the illegal acquisition, possession and use of alcoholic beverages.

Action: To purchase or possess beer or wine if you are under the age of 21.

Penalty: A fine of not less than \$25 nor more than \$100 and suspension of driver's license.

Action: To purchase or possess liquor if you are under the age of 21.

Penalty: A fine of not less than \$100 nor more than \$200 or imprisonment for not more than 30 days and suspension of driver's license.

Action: To lie or give false information concerning age in order to purchase beer or wine.

Penalty: A fine of not less than \$50 nor more than \$100 or imprisonment for not more than 30 days and suspension of driver's license.

Action: To lie or give false information concerning age in order to obtain liquor.

Penalty: A fine of not less than \$100 nor more than \$200 or imprisonment for not more than 30 days and suspension of driver's license (note: loss of driver's license is an administrative action taken by the Dept. of Public Safety).

Action: To possess an altered or invalid driver's license or personal identification card.

Penalty: First offense: A fine of not more than \$200 or imprisonment for not more than 30 days.

Second or subsequent offenses: A fine of not more than \$500 or imprisonment for not more than six months.

Action: To lend a driver's license or personal identification card to any other person.

Penalty: First offense: A fine of not more than \$200 or imprisonment for not more 30 days, and mandatory suspension of driver's license for 90 days.

Second or subsequent offenses: A fine of not more than \$500 or imprisonment for not more than six months, and mandatory suspension of driver's license for six months.

Action: To give false information on an application to obtain a driver's license or personal identification card.

Penalty: First offense: A fine of not more than \$200 or imprisonment for not more than 30 days.

Second or subsequent offenses: A fine of not more than \$500 or imprisonment for not more than six months.

Action: To alter a driver's license.

Penalty: A fine of not more than \$2,500 or imprisonment for not more than six months or both and loss of driver's license.

Action: To sell or issue a false driver's license.

Penalty: A fine of up to \$2,500 or imprisonment of not more than six months or both and loss of driver's license.

Action: To use someone else's driver's license or personal identification card.

Penalty: A fine of not more than \$100 or imprisonment for not more than 30 days and loss of driver's license.

Action: To use an altered driver's license or identification card containing false information.

Penalty: A fine of not more than \$100 or imprisonment for not more than 30 days and loss of driver's license.

Action: To give beer, wine or liquor to anyone under the age of 21. This law includes serving anyone in your home except your child or spouse.

Penalty: A fine of not more than \$200 or imprisonment for not more than 30 days.

Action: To sell beer, wine or liquor to anyone under the age of 21.

Penalty: A fine of not less than \$100 nor more than \$200 or imprisonment for not less than 30 days nor more than 60 days or both.

Action: To have an open container of beer or wine in a moving vehicle of any kind, except in the trunk or luggage compartment.

Penalty: A fine of not more than \$100 or imprisonment for not more than 30 days.

Action: To have an open container of liquor anywhere except in a private residence, hotel or motel room, licensed minibottle establishment, the luggage compartment of a vehicle or a legally constituted private gathering.

Penalty: A fine of not more than \$100 or imprisonment for not more than 30 days.

Action: Disorderly conduct – To be grossly intoxicated on any highway or at any public place or public gathering.

Penalty: A fine of not more than \$100 or imprisonment for not more than 30 days.

Action: DUI – Driving under the influence of alcohol or other drugs. With a blood alcohol content (BAC) level of .08 percent or more, it may be inferred that the person was under the influence of alcohol. With a BAC less than 0.08 percent, the BAC may be considered with other evidence, and the person may be charged with DUI.

Penalty: First offense – A fine of \$200 or imprisonment for not less than 48 hours nor more than 30 days; driver's license is suspended for six months.

Second offense – A fine of not less than \$2,000 nor more than \$5,000 and imprisonment for not less than 48 hours nor more than one year; driver's license is suspended for one year.

Third offense – A fine of not less than \$3,500 nor more than \$6,000 and imprisonment for not less than 60 days nor more than three years; driver's license is suspended for two years.

Fourth or subsequent offenses – Imprisonment for not less than one year nor more than five years; driver’s license is suspended for three years for a fourth offense and is permanently revoked for a fifth offense; if the offender is the owner of the vehicle, the vehicle shall be confiscated at the time of the arrest.

Action: Felony Driving Under the Influence – Driving under the influence which results in great bodily harm or death.

Penalty: For Causing Great Bodily Harm – A fine of not less than \$5,000 nor more than \$10,000 and imprisonment for not less than 30 days nor more than 10 years; driver’s license is suspended for period of imprisonment plus three years. For Causing Death – A fine of not less than \$10,000 nor more than \$25,000 and imprisonment for not less than one year nor more than 25 years; driver’s license is suspended for period of imprisonment plus three years.

Be aware that state laws are subject to change!

Drug Conviction Reporting Requirement

All University employees (including student employees) are required to report any conviction under a criminal drug statute for any violation occurring in the workplace or as part of any University activity. A conviction means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence or both by any federal or state judicial body charged with such responsibility.

This report must be made within five days of the conviction to the employee’s supervisor and to the director of employee development. In the event that the convicted employee was employed in the performance of a federal contract or grant or state contract or grant, the director of employee development shall immediately notify the vice president for research so that the sponsoring federal or state agency can be notified within 10 days of the date the University received notification as required by federal and state law.

Within 30 days after the University’s receipt of a drug conviction report, the appropriate supervisory authority will either take appropriate personnel action against the employee, consistent with federal and state law and regulations and the Rehabilitation Act of 1973, as amended, or require the employee to participate successfully in a drug abuse assistance or rehabilitation program approved for such purposes.

Alcohol is the most widely used and abused recreational drug in our society. It is also the most popular drug on college campuses. Clemson University is committed to providing a campus environment free of the abuse of alcohol and the illegal use of other drugs.

College is a critical time for you to become aware of, and responsible for your choices. Alcohol abuse often has negative consequences beyond your control.