

SOUTHWEST TENNESSEE COMMUNITY COLLEGE**SUBJECT: Prohibition on Drugs, Drug Paraphernalia, and Alcoholic Beverages****EFFECTIVE DATE: July 1, 2000; Revised January 24, 2012; Revised April 28, 2023****Purpose**

The purpose of this policy is to establish and share regulations regarding the possession, consumption, and sale of drugs, drug paraphernalia, and alcoholic beverages on the property of Southwest Tennessee Community College (“Southwest” or “the College”). It is applicable to all students, employees, visitors, and others on property that the College owns, leases, rents, or otherwise controls.

Definitions

Alcoholic Beverage- Intoxicating liquors, wine, and beer as defined by T.C.A. § 57-3-101 and T.C.A. § 57-5-101.

Drug- A controlled substance that is not legally possessed or used under by the person in possession of the substance.

Drug Paraphernalia- Equipment, product, or material of any kind that is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

Drug-Free Facilities- Locations where workers, students, and others not impaired by drugs or alcohol are safer and can operate in enhanced competitive positions free from the costs, delays, and tragedies that accompany actions resulting from substance manufacture, distribution, dispensation, possession, or use as referenced in the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et. Seq.) and the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3171, et. Seq.).

State funds- Funds derived from state taxes, tuition, or student fees that are appropriated or re-appropriated by the general assembly.

Policy

It is Southwest’s policy that students and employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of illicit controlled substances or alcohol on Southwest campuses, on property owned or controlled by the College, or as a part of any College-sponsored activities.

* Spring of 2023, this policy moved from Section 3 (Student Affairs) to Section 1 (Governance, Organization, and Policy) of the Policy Manual. The former policy number was 3:05:01:01/19. The responsible administrator changed from the Vice President of Student Affairs to the Associate Vice President of Administrative Services. This policy was also merged with policy 5:00:00:00/10, Drug-Free Campus, which was deleted from the Human Resources section of the policy manual Spring 2023.

I. Drugs and Drug Paraphernalia

Southwest seeks to provide a drug-free educational environment for students and workplace for employees. It is the College's intent to provide locations free from the distractions and dangers that are incident to the occurrence of illegal drug activities.

All students, employees, visitors and others on property that the College owns, leases, rents, or otherwise controls are prohibited from using, possessing, transferring, or selling any illegal drug, controlled substance, or related paraphernalia, including but not limited to, hookahs, while on any part of the campus or at College-sponsored or supported events.

Individuals who take prescription drugs or over-the-counter medication are personally responsible for ensuring that while they are taking such drugs or medications they are not a safety risk to themselves or others while on College property, while driving a College owned vehicle, or while otherwise engaged in College business. It is illegal to misuse prescription medication, continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, give prescribed drugs to another person, or sell prescription drugs to someone else.

Violators subject themselves to disciplinary action by the College. They also subject themselves to arrest, prosecution, and conviction by state and federal authorities.

Employees, including those working for the College under the provisions of a federal grant, are required to abide by this policy and to notify the Human Resources department within five (5) days of any criminal drug statute conviction while employed by the College. For students, as a condition of continued enrollment, students must abide by the terms of this policy and must notify the Vice President of Student Affairs of any criminal drug statute conviction for a violation occurring on Southwest owned, rented or controlled property or at College functions at off-campus locations no later than five (5) days after such conviction. For both employees and students, a conviction includes a finding of guilt, a plea of nolo contendere, or imposition of a sentence by any state, local, or federal judicial body.

II. Alcoholic Beverages

1. General Prohibition

- a. The possession or consumption of alcoholic beverages on property owned, leased, rented, or controlled by Southwest is prohibited except as provided in this policy.
- b. Faculty, staff, students, guests, visitors and others who are at least twenty-one (21) years of age may possess unopened containers of alcoholic beverages within their personal vehicles, provided that they may not open the containers or consume the contents while on property owned, leased, rented, or controlled by the College.
- c. Southwest expects everyone on its property to comply with this policy, TBR regulations regarding alcoholic beverages as well as state, federal, and local laws. Those who violate the College's regulations on alcoholic beverages subject themselves to arrest, prosecution, and conviction with jail time.

2. Serving Alcoholic Beverages at Special Events

- a. The President may approve the serving and consumption of alcoholic beverages at a function or event held on College property.
- b. The event may not take place in classrooms, laboratories, faculty offices, administrative offices, student dining halls, student gathering areas, outdoor public areas (unless access to the area is restricted during the event), or athletic facilities (including stadiums, gymnasiums, playing fields, training rooms and locker rooms).
- c. The President's approval must be given in writing.
- d. The approval must designate the event's sponsor, specific location, date, time, and hours during which alcoholic beverages will be served.
- e. Students under the age of twenty-one (21) may attend an event at which alcoholic beverages will be served but must not be served or consume alcoholic beverages at the event.
- f. It is the responsibility of the event's sponsor to determine if guests who are served alcoholic beverages are at least twenty-one (21) years of age.
- g. If the sponsor is a third party, the sponsor must agree to indemnify the College for all liability arising from the service of alcohol at the event and provide proof of adequate general liability insurance.

3. Sale of Alcoholic Beverages at Special Events

Subject to the provisions above, the President may approve the sale of alcoholic beverages at a function or event held on College property, consistent with state and local law. The sponsor of the event is responsible for insuring compliance with the applicable laws and providing documentation of that compliance to the College prior to approval of the sale of alcoholic beverages at the event.

4. Expenditure of State Funds for Alcoholic Beverages

The expenditure of state funds for the purchase of alcoholic beverages is absolutely prohibited. This includes, but is not limited to, funds derived from state taxes, tuition, or student fees that are appropriated or re-appropriated by the general assembly. If alcoholic beverages are served at a College-sponsored event, the cost of alcoholic beverages, including tax, must always be separately identifiable on the receipts. The supporting documentation and the source of the funds for the purchase must be identified.

5. Culinary Arts Program

The use of alcoholic beverages as part of the curriculum in Hospitality Management, Culinary Arts, and similar academic courses where the beverages are used solely in the cooking process or in the wine tasting process that is consistent with standard culinary practices is permitted, however, students who are not twenty-one (21) shall not participate in wine tastings.

6. Sale of Alcoholic Beverages by Lessees

When Southwest property is leased to a third party, the lease may allow for the sale of alcoholic beverages on the property, subject to the applicable state and local laws. The lease must be for a period of at least twelve (12) months, must require the lessee to obtain the lessor's prior approval of the sale of alcoholic beverages, and must provide for immediate termination of the lease if violations of the applicable state and local laws occur.

III. Assistance

Southwest seeks to assist students in achieving academic goals. Social Services and Mental Health counseling for students are both available through the Student Affairs department. Counseling for employees is available through the Human Resources department. The Behavioral Evaluation and Threat Assessment (BETA) Team is available to assist students and employees.

Source of Policy: _____

Responsible

Administrator: AVP of Admin Services

Related Policy: _____

TBR Policy Reference: 1.07.00.05

Approved: _____
President

Date: April 28, 2023