

**PENSACOLA STATE COLLEGE**  
**POLICIES OF THE DISTRICT BOARD OF TRUSTEES**

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|------------------|------------------------------------------------------|------------------------------|
| Policy Title:    | Alcohol/Drug Abuse                                   | <u>Number</u><br>6Hx20-1.026 |
| Legal Authority: | s. 893.03, s. 893.13, s. 775.082-775.084, Fla. Stat. | <u>Page</u><br>Page 1 of 4   |
| Law Implemented: |                                                      |                              |

In keeping with its educational mission, Pensacola State College will use educational strategies as its major approach to addressing problems related to the abuse of alcohol and other drugs by any member of the College community (students, faculty, and staff). However, any member of the College community who violates the drug and alcohol policy will be subject to prosecution and punishment by the civil authorities, and to disciplinary procedures of the College.

The Board of Trustees of Pensacola State College adopts this policy to accomplish the following:

1. Prevent the abuse of alcohol and other drugs through educational efforts;
2. Encourage and facilitate the use of counseling services and rehabilitation programs for those members of the College community who require assistance in stopping the abuse of alcohol and other drugs; and
3. Discipline appropriately those members of the College community who engage in substance abuse and related behaviors.

**I. Educational Efforts to Prevent the Abuse of Alcohol and Other Drugs**

Pensacola State College will conduct an educational program aimed at preventing the abuse of alcohol and other drugs. Educational efforts shall be directed toward all members of the College community and will include information about the incompatibility of the abuse or sale of alcohol and other drugs with the goals of Pensacola State College; the health hazards associated with the abuse of alcohol and other drugs; the incompatibility of alcohol and other drug abuse with the maximum achievement of educational, career, and other personal goals; and the potential legal consequences of involvement with alcohol and other drugs.

**II. Counseling and Rehabilitation Services to Prevent Alcohol and Other Drug Abuse**

Students, faculty, or staff who seek assistance from the College for an alcohol or drug-related problem shall be provided with information about counseling and rehabilitation services available through the Employee Assistance Program and other community resources. Students may contact the Wellness Services Office; employees may contact the Director, Human Resources. Those individuals who have failed to voluntarily avail themselves of services and/or who have failed to maintain satisfactory progress during the course of treatment and recovery will be subject to full disciplinary procedures according to College disciplinary policy and the Collective Bargaining Agreement. Those who voluntarily avail themselves of such services shall be assured that applicable professional standards of confidentiality will be observed. For those working in good faith on a treatment, every attempt will be made to return the individual to full employment or student status.

### **III. Disciplinary Action**

Students, faculty, and staff are responsible, as citizens, for knowing about and complying with the provisions of Florida law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Chapter 893, Fla. Stat. The following minimum penalties shall be imposed for the particular offenses.

### **IV. College Regulations Governing Illegal Drug Use**

#### **A. Trafficking in Illegal Drugs**

1. For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules I and II of Chapter 893.03 of the Florida Statutes, [including, but not limited to, heroin, cannabis, mescaline, lysergic acid diethylamide (LSD), opium, cocaine, amphetamine, MDMA (ecstasy), methaqualone], any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.
2. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through V of s. 893.03, Fla. Stat. (including, but not limited to steroids, diazepam, phenobarbital), the minimum penalty shall be suspension from enrollment or from employment. For a second offense, any student shall be expelled and any faculty member, administrator, or non-probationary employee shall be discharged.

#### **B. Illegal Possession of Drugs**

1. For a first offense involving the illegal possession of any controlled substance identified in Schedules I or II of s. 893.03, Fla. Stat., the minimum penalty shall be suspension.
2. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through V of s. 893.03, Fla. Stat., the minimum penalty shall be probation for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions as the appropriate College official deems appropriate.
3. Refusal or failure to abide by the terms of probation or second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators or employees. These penalties will be in accordance with College disciplinary procedures and/or the Collective Bargaining Agreement.

- C. Possession, Sale, or Consumption of Alcoholic Beverages
1. Possession, sale, or consumption of alcoholic beverages on campus or at off-campus College sponsored activities is prohibited unless specifically authorized by the Board or President. Alcoholic beverages include, but are not limited to beer, wine, distilled spirits, wine coolers, and liqueurs.
  2. State Laws are outlined as follows:
    - a. Drinking Age
      - i. The legal drinking age in Florida is 21.
      - ii. Selling, giving, or serving alcoholic beverages persons under 21 is unlawful.
      - iii. In Florida, this law extends to possession of alcoholic beverages by anyone under 21.
      - iv. It is unlawful for any person to misrepresent or misstate his or her age. This includes the manufacture or use of false identification. Use of altered identification for the purpose of procuring alcoholic beverages is a felony.
    - b. Open Container Law  
It is unlawful for any person to consume or possess open containers of alcoholic beverages while in municipal parks, playgrounds, sidewalks, or streets.
    - c. D.U.I (Driving while under the influence of alcohol of other drugs.)
      - i. A mandatory suspension of license for 180 days for the first conviction.
      - ii. Fines of up to \$1,000 for the first offense.
      - iii. A minimum of 50 hours of community service.
      - iv. Imprisonment of not more than nine (9) months.
  3. In addition to the legal requirements and penalties above, students found to be in violation of this College policy will be subject to penalties under the student Code of Conduct.

Faculty and staff in violation of this College policy will be subject to disciplinary actions as outlined in College disciplinary procedures and/or the collective bargaining agreement. Mandatory participation in rehabilitation and educational programs will be regulated by State and Federal statutes.

**V. Conditions for Immediate Suspension**

When a student, faculty, administrator, or other employee has been charged by the College with a violation of policies concerning alcohol and other drugs, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings, if assuming the truth of the charges, the responsible authority concludes that the person's continued presence within the College community would constitute a clear and immediate danger to the health or welfare of other members of the College community. An immediate

suspension and subsequent hearings will be in accordance with College disciplinary procedures and/or the Collective Bargaining Agreement.

**VI. Civil Conviction for Drug and Alcohol Offenses**

If employees of Pensacola State College in performance of College duties within the scope of their employment are convicted of an offense related to drugs, they will be subject to the same penalties as the offense would warrant if the offense were committed on College property or at a College sponsored event. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

The individual involved is required to notify the College of the conviction or incident within five (5) working days following said conviction or incident.

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| History:                                                                          | Adopted 9/18/89; amended 2/21/06; amended 8/18/21. |
| President's Signature:                                                            | Date: 8/18/2021                                    |
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