

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

RESPONSIBLE OFFICE:

OFFICE OF RISK MANAGEMENT

TABLE OF CONTENTS	SECTION	PAGE
Definitions		1
Policy in General – Alcohol	I.	2
Policy for University Events Involving Alcohol	II.	4
Tailgating Policy Regarding Alcohol	III.	7
Policy in General – Drugs	IV.	8
Alcohol and Other Drugs Criminal Behaviors Under Local, State, and Federal Laws	V.	9
University-Level Sanctions for Violations of the Alcohol and Other Drugs Policy	VI.	10
South Carolina Alcohol and Drug Laws and Criminal Sanctions	VII.	12
Federal Drug Laws and Criminal Sanctions	VIII.	16
Alcohol and Other Drugs Education	IX.	16
Alcohol and Other Drugs Policy Implementation Responsibilities	X.	18
Resources	XI.	20
Contacts	XII.	20
References	XIII.	21
Policy Document History	XIV.	24

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	Any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them

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AOD	Alcohol and Other Drugs
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 drinking 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

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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

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. Administration Building lobby and designated conference rooms
 2. Humanities and Performing Arts Center (HPAC) 1st and 2nd floor lobbies
 3. Sansbury Campus Life Center (CLC) 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. College of Arts and Sciences Building (CASB) Lobby and Room 117
 9. Burroughs Conference Room 117
 10. University Readiness Center (URC) Building
 11. Health Education Complex (HEC) J.M. Smith Board Room
 12. University Center Greenville (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 are 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

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- 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 vendor 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 vendor 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, and/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 and/or wine is present.
 2. **Faculty, Staff, or Outside Party Requests to Serve Beer and Wine**
 - a. The faculty, staff, or outside party completes an [Alcohol Request Form](#) 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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

- 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. **Faculty, Staff, or Outside Party Requests 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 party requests to serve beer and wine. 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 and 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 organization 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 time period 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. The serving of alcoholic beverages must cease one hour prior to the end of the event unless the event 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 this 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, and distilled spirits must be sealed and covered.
- h. Containers of beer and 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.

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- 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 section 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 start of the athletic event and 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 older who 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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

of beer are prohibited unless provided by a University-approved event vendor.

- F. Drinking contests and drinking 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 itself is a violation of this policy. The possession of drug paraphernalia is prohibited.

- A. Possession or 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

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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 contribute 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 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 age 21
 2. Possess alcohol if you are under age 21
 3. Consume alcohol if you are under age 21
 4. Sell alcohol to, buy alcohol for, or furnish alcohol to anyone under age 21
 5. Allow anyone under age 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 age 21
 2. Provide false information about the name, age, or other identification of another person under age 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)

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

D. Transportation

1. Operate a vehicle under the influence. If you are under age 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 [license](#) 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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

- (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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

(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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

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 for traffic control. **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 age 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

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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/her 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

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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 its 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.

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- 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 frequently are 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 generally are 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. The [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

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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 within 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;

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

- 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 [Alcohol and Other Drugs Treatment Resources](#). The [Employee Assistance Program](#) (EAP) is available to support University employees during times of need. The EAP provides assessment and counseling services, legal access, financial services, education, and training.

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 Management	<ol style="list-style-type: none"> 1. Develop and update the AOD Policy and related documents. 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.

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

	<ol style="list-style-type: none">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 Communications	Communicate to the University community through a biennial 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-annually2. Assist University departments in program evaluation when requested.

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

Office of Special Events and Facilities Scheduling	Receive, review, and if approved, forward to the Director of Risk Management, all requests to serve alcohol at University and University-sponsored events both on and 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.
Employee Relations	Administer the Employee Assistance Program (EAP).

XI. RESOURCES

[Alcohol and Other Drugs Health Risks](#)
[Alcohol and Other Drugs Treatment Resources](#)
[Alcohol, Narcotics, and Vice Services](#)
[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](#)
[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

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

USC Upstate Employee Assistance Program (EAP)	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

XIII. REFERENCES

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Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

- Homicide; Reckless Driving; Driving While Under the Influence of Intoxicating Liquor, Drugs or Narcotics, Section 2933. Retrieved on February 18, 2021, from <https://www.scstatehouse.gov/code/t56c005.php>
- Drug Abuse Prevention and Control. 21 U.S. Code 21 USC §841: Prohibited acts A, Title 21 – Food and Drugs, Chapter 13, Subchapter I - Control and Enforcement, Part D - Offenses and Penalties. Retrieved on February 18, 2021, from [https://uscode.house.gov/view.xhtml?req=\(title:21%20section:841%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:21%20section:841%20edition:prelim))
- False Information About Age. South Carolina State Statute Title 61 Alcohol and Alcoholic Beverages, Chapter 4 Beer, Ale, Porter, and Wine, Article 1 General Provisions, Section 60. Retrieved on February 18, 2021, from <https://www.scstatehouse.gov/code/t61c004.php>
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- Purchase of Beer or Wine for a Person to Whom it Cannot Lawfully be Sold. South Carolina State Statute Title 61 Alcohol and Alcoholic Beverages, Chapter 4 Beer, Ale, Porter, and Wine, Article 1 General Provisions, Section 80. Retrieved on February 17, 2021, from <https://www.scstatehouse.gov/code/t61c004.php>
- Sales to Underage Persons. South Carolina State Statute Title 61 Alcohol and Alcoholic Beverages, Chapter 4 Beer, Ale, Porter, and Wine, Article 1 General Provisions, Section

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

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<https://www.scstatehouse.gov/code/t61c004.php>

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<https://www.scstatehouse.gov/code/t14c001.php>

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Additional Assessment, General Sessions or Family Court; Remittance; Disposition;
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<https://www.scstatehouse.gov/code/t14c001.php>

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**** 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

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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.

XIV. POLICY DOCUMENT HISTORY

Revised: 5/14/2021; 6/25/21