

**TO: All South Georgia College Students, Faculty & Staff**

**FROM: Office of the Vice President for Student Affairs  
Office of the Vice President for Academic Affairs  
Office of the Vice President for Business Affairs**

Federal Law (The Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226) requires South Georgia College to distribute annually in writing the following materials to each employee and to each student who is taking one or more classes of any kind for academic credit, regardless of the length of the student's program of study:

- I.** Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
- II.** A description of the applicable legal sanctions under local, State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
- III.** A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- IV.** A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
- V.** A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

Further, the legislation requires that South Georgia College conduct a biennial review of its program to (1) determine its effectiveness and implement changes to the program if they are needed, and (2) ensure that its disciplinary sanctions are consistently enforced. Such review will be conducted by the Vice Presidents for Students and Business Affairs.

The following material is being distributed to each South Georgia College student and to each South Georgia College employee in fulfillment of the requirements of Public Law 101-226 and regulations of the United States Department of Education (34 CFR Part 86 Drug-Free Schools and Campuses; Final Regulations).

## **I. Standards of Conduct**

South Georgia College prohibits the unlawful manufacture, possession, use, distribution, or sale of illicit drugs and alcohol by students and employees on its property or as part of any of its activities. Further, no student may possess or consume any alcoholic beverage on the college campus, or while participating in an activity or trip sponsored by the college. Any student on or returning to the campus, unable to control himself or herself because of consumption of alcoholic beverage, is in violation of this code.

## **II. Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol**

Outlined on the next five (5) pages.

## **It Is A Crime in Georgia -Alcohol-Related Laws**

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It is a crime for:

- minors to purchase or possess alcoholic beverages.
- parents or other adults to contribute to the delinquency of a minor through the purchase, sale or providing alcoholic beverages to a minor. Parents may sue anyone who serves or gives alcohol to their minor child without their permission.
- anyone to use a false driver's license or birth certificate or any other false identification card to obtain illegally any alcoholic beverage.
- anyone to possess an alcoholic beverage on public school grounds.
- anyone to operate a motor vehicle while under the influence of alcohol or drugs, even if the person is "legally entitled" to use the drug.
- anyone to drink alcoholic beverages on the streets, sidewalks, alleyways, parking areas, public parks or other open areas.

The penalties for violating alcohol possession and selling laws can be a misdemeanor charge that is punishable by:

- 30 days' imprisonment
- a fine of \$300

The penalties for driving while under the influence of alcohol can be:

- 10 days' to one year's imprisonment
- a \$100 to \$1,000 fine
- suspension of the driver's license

Additional penalties apply to minors:

- A new law passed by the Georgia legislation in November 1982 provides that 16 and 17-year-old drivers convicted of serious traffic offenses will lose their driving privileges.

## State of Georgia Criminal Liability – Alcohol

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The following alcohol-related offenses are misdemeanors under Georgia Law, Chapter 3, Regulation of Alcoholic Beverages Generally, Article 2.

### Offenses:

1. Giving an alcoholic drink to a person who is in a state of noticeable intoxication (O.C.G.A. Section 3-3-22).
2. Selling, giving or furnishing alcoholic drinks to a person under 21 years of age (O.C.G.A. Section 3-3-23(a)(1)).
3. Possession of an alcoholic beverage by a person under 21 years of age (O.C.G.A. Section 3-3-23(a)(2)).
4. Misrepresentation by a person under 21 of his age for the purpose of obtaining an alcoholic beverage illegally (O.C.G.A. Section 3-3-23(a)(3)).

### Penalties:

- A. Penalties for supplying alcoholic beverages to persons under 21 (O.C.G.A. Sections 3-3-23.1.).
  1. First Conviction – a misdemeanor but punishment limited to not more than six months imprisonment or a fine of not more than \$300, or both, and license to be suspended for a period of six months.
  2. Second Conviction – a misdemeanor of a high and aggravated nature punishable by not more than twelve months imprisonment or a fine not to exceed \$5,000, or both, and license to be suspended for a period of one year, person placed on probation as required by court and person must undergo a comprehensive rehabilitation program (including, if necessary, medical treatment), not to exceed three years. (O.C.G.A. Sections 3-3-23 and 17-10-4).
- B. The penalty for supplying alcohol to a person who is in a state of noticeable intoxication is a misdemeanor and is punishable under O.C.G.A. Sections 3-3-22 and 17-10-3.
- C. Alcohol can be given to a person under 21 for:
  - 1) Medicinal Purposes. O.C.G.A. Section 3-3-23(b)(1).
  - 2) Religious Ceremonies. O.C.G.A. Section 3-3-23(b)(2).
  - 3) By his parents in their own home to their children. O.C.G.A. Section 3-3-23(c).
  - 4) Sellers of alcoholic beverages who have been furnished proper identification. O.C.G.A. Section 3-3-23(d).

## Civil Liability

This section summarizes the laws of Georgia under which persons who furnish alcohol or drugs in violation of Georgia law may be held liable to compensate third persons for injuries caused by the intoxicated user.

### I. Intoxicated Driver

The driver of an automobile who injures someone while driving under the influence of alcohol or drugs is civilly liable to the injured victim (or the victim's heirs) and may be required to compensate the victim for all injuries that are caused by the driver's intoxication and for possible punitive damages. This liability can be enforced in a civil suit by the victim against the abuser for monetary damages.

### II. Persons who serve Alcoholic Beverages (or furnish illegal drugs)

Under Georgia law, there are two statutes which prohibit the service of alcoholic beverages to certain categories of persons:

- (a) any person (adult or minor) who is in a "state of noticeable intoxication" O.C.G.A. Section 3-3-22, and (b) person under 21 years of age, O.C.G.A. Section 3-3-23(a)(1).

These statutes provide as follows:

"3-3-22. Sale, etc., of alcoholic beverages to intoxicated persons. No alcoholic beverages should be sold, bartered, exchanged, given, provided, or furnished to any person who is in a state of noticeable intoxication."

"3-3-23. Furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by persons under 21 years of age in the course of employment."

"(a) except as otherwise authorized by the law:

"(1) no person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age."

If a bar or restaurant, an employer at a social function, or even a person entertaining social guests in his home serves alcoholic beverages in violation of these statutes to one of the prohibited categories of persons, the offense is punishable not only as a crime, but the person serving the beverage is in violation of either statute can be held liable to a third party who is injured by the intoxicated person (Sutter v. Hutchings, 254 Ga. 194, 137 S.E.2d 716 (1985); Brumbelow v. Shoney's Big Boy of Carrollton, Inc., 174 Ga. App. 160, 329 S.E.2d 319 (1985), but not for injuries to the intoxicated drinker (Sutter v. Hutchings, supra; Brumbelow v. Shoney's Big Boy of Carrollton, Inc. supra); O.C.G.A. Sections 51-1-40.

(a) Bars and Restaurants

“The Case for Tavern Keeper Liability in Georgia,” 9 Ga.L. Rev. 239 (1974); Annotation: Liability of liquor furnisher under civil damage or dramshop act for injury or death of intoxicated person from wrongful act of a third person, 65 ALR2d 923.

(b) Employer's Social Function

Brumbelow v. Shoney's Big Boy of Carrollton, Inc., 174 Ga. App. 170, 329 S.E.2d 319 (1985); Dobozy v. Cochran Airport Systems, 174 Ga. App. 625; “see also Annotation: Intoxicating Liquors: Employer's Liability for Furnishing or Permitting Liquor on Social Occasion, 51 ALR4th 1048.

(c) Hosts

A host or hostess who serves alcohol at a social gathering in their home may be liable to compensate third parties for injuries received as a result of the host/hostess having served alcoholic beverages to (a) an adult or minor guest “who is in a state of noticeable intoxication”, O.C.G.A. Section 3-3-22, or (b) to a guest who is under 21 years of age, O.C.G.A. Section 3-3-23 (a) (1). Sutter v. Hutchings, 254 Ga. 194, 127 S.E.2d 716 (1985); O.C.G.A. Section 51-1-40. \*See also Annotation: Common Law Right of Action for Damage Sustained by Plaintiff in consequence of Sale or Gift of Intoxicating Liquor or Habit-forming Drug to another, 97 ALR3d 528.

\*The following violations can result in suspension of a minor's driver's license:

- driving under the influence of alcohol
- speeding more than 25 miles per hour above the speed limit
- other major violations, including vehicular homicide, manslaughter, hit and run, felony use of a vehicle, failure to render aid, making a false statement, use of a motor vehicle to elude an officer and fraudulent use of a driver's license.

## It Is A Crime In Georgia Marijuana Related Laws

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In this state, the legal consequences of marijuana use or trafficking are worth serious consideration:

- Any person charged and convicted of possession of one ounce or less of marijuana is guilty of a misdemeanor, which is punishable by imprisonment for a period not to exceed 12 months or a fine not to exceed \$1,000, or both. O.C.G.A. Section 16-13-2.
- Where more than one ounce of marijuana is involved, the law of the state of Georgia states the following: “It is unlawful for any person to possess, have under his control, manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute marijuana. Except as otherwise provided in O.C.G.A. Section 16-13-2 (First Offender Clause), any person who violates this subsection shall be guilty of a felony and shall be punished by imprisonment for not less than one (1) year nor more than ten (10) years.” (Georgia Controlled Substance Act, O.C.G.A. Section 16-13-30)

There is in Georgia an extensive list of other drugs that have been determined to have a high potential for abuse or are not currently accepted medical use or have a potential for leading to psychological or physical dependence. The possession, use or selling of such “controlled substances” carries severe penalties, including imprisonment up to 30 years. Indeed, so serious does society regard these controlled substances that it is a serious violation (punishable by imprisonment from one (1) to ten (10) years) to possess, manufacture, deliver, sell, etc., a counterfeit of such drugs. Federal laws, too, provide stiff penalties for violations.

- **See the following website: <http://www.usdoj.gov/dea/briefingbook/page10-11.htm>**

### 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.

### **III. Health Risks – Use of Illicit Drugs and the Abuse of Alcohol**

- See the following website: <http://www.usdoj.gov/dea/briefingbook/page14.htm>

#### **Alcohol Abuse**

##### *Effects*

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics than other youngsters.



#### **IV. Drug and Alcohol Counseling, Treatment, Rehabilitation, Re-entry Programs**

South Georgia College does not provide formal programs of drug and/or alcohol counseling, treatment, rehabilitation, or re-entry for students and employees. Referrals for off-campus services are made for students by the Office of the Vice President for Student Affairs (ext. 4244) and for employees by the Director of Personnel (ext. 4234).

##### **Toll-Free Information**

##### **1-800-Cocaine: Cocaine Help Line**

A round-the-clock information and referral service. Recovering cocaine addict counselors answer the phones, offer guidance, and refer drug users and parents to local public and private treatment centers and family learning centers.

##### **1-800-NCA-Call: National Council on Alcoholism Information Line**

The National Council on Alcoholism, Inc., is the national nonprofit organization combating alcoholism, other drug addictions, and related problems. Provides information about NCA's State and local affiliates' activities in their areas. Also provides referral services to families and individuals seeking help with an alcohol or other drug problem.

##### **1-800-662-Help: NIDA Hotline**

NIDA Hotline, operated by the National Institute on Drug Abuse, is a confidential information and referral line that directs callers to cocaine abuse treatment centers in the local community. Free materials on drug use also are distributed in response to inquiries.

##### **1-800-241-9746: Pride Drug Information Hotline**

A national resource and information center, Parents' Resource Institute for Drug Education (PRIDE) refers concerned parents to parent groups in their State or local area; gives information on how parents can form a group in their community; provides telephone consultation and referrals to emergency health centers; and maintains a series of drug information tapes that callers can listen to, free of charge, by calling after 5:00 p.m.

## **V. Disciplinary Sanctions**

South Georgia College will impose disciplinary sanctions on students and employees (consistent with local, state, and Federal law and the Policies of the Board of Regents of the University System of Georgia) for violations of the standards of conduct which prohibit the unlawful manufacture, possession, use, distribution, or sale of illicit drugs and alcohol by students and employees on the property of South Georgia College or as a part of any of its activities.

Sanctions for students and employees are outlined below. Such sanctions may result in the expulsion of a student, the termination of employment, and referral for prosecution.

### **Students**

Violations of the South Georgia College Student Code of Conduct outlined in the SGC Student Handbook subject the offender to a range of penalties, depending on the circumstances of each offense.

**Alcoholic Beverages:** No student may possess or consume any alcoholic beverage on the college campus, or while participating in a college-sponsored trip or activity. Any student on or returning to the campus who is unable to control himself or herself because of consumption of alcoholic beverage is in violation of this code. Maximum penalty – Suspension.

**Drugs:** The college prohibits the unlawful manufacture, possession, use, distribution, or sale of narcotics, barbiturates, amphetamines, LSD, or other hallucinogens, or any other drug classified as illegal or dangerous by Federal and/or State statute and regulations. Any student found guilty of this section of the Code of Conduct may be expelled from South Georgia College and may be subject to criminal prosecution.

Board of Regents Policy Manual, Section 406.03:

Disciplinary sanctions for students convicted of a felony offense involving the manufacture, distribution, sale, possession or use of marijuana, controlled substances or other illegal or dangerous drugs shall include the forfeiture of academic credit and the temporary or permanent suspension or expulsion from the institution. All sanctions imposed by the institution shall be subject to review procedures authorized by the Board of Regents.

Board of Regents Policy Manual, Section 405.03:

The Board of Regents has determined that the use of marijuana, controlled substances or other illegal or dangerous drugs constitutes a serious threat to the public health, welfare, and academic achievement of students enrolled in the University System of Georgia. Therefore, all student organizations, including but not limited to societies, fraternities, sororities, clubs, and similar groups of students which are affiliated with, recognized by or which use the facilities under the jurisdiction of institutions of the University System, are hereby charged with the responsibility of

enforcing compliance with local, state and federal laws by all persons attending or participating in their functions and affairs, social or otherwise.

As provided by the Student Organization Responsibility for Drug Abuse Act, any such student organization which through its officers, agents, or responsible members knowingly permits, authorizes or condones the manufacture, sale, distribution, possession, serving, consumption or use of marijuana, controlled substances, or other illegal or dangerous drugs at any affair, function, or activity of such student organization, social or otherwise, is hereby declared to be in violation of the laws of this state and shall have its recognition as a student organization withdrawn and, after complying with the constitutional requirements of due process, shall be expelled from the campus for a minimum of one (1) calendar year from the date of determination of guilt. Such organization shall also be prohibited from using any property or facilities of the institution for a period of at least one (1) year. Any lease, rental agreement or other document between the Board of Regents or the institution and the student organization which relates to the use of the property leased, rented or occupied shall be terminated for knowingly having permitted or authorized the unlawful actions described above. All sanctions imposed by this policy shall be subject to review procedures authorized by the Board of Regents (Article IX of the Bylaws).

An appeal to the Board of Regents shall not defer the effective date of the adverse action against the student organization pending the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's review unless the Board so directs. Any such stay or suspension by the Board shall expire as of the date of the Board's final decision on the matter.

## **Employees**

Board of Regents Policy Manual, Section 803.09J:

A tenured faculty member, or a non-tenured faculty member, before the end of his contract term, may be dismissed for any of the following reasons provided that the institution has complied with procedural process requirements:

- (1) Conviction or admission of guilt of a felony or of a crime involving moral turpitude during the period of employment – or prior thereto if the conviction or admission of guilt was willfully concealed;
- (2) Professional incompetency, neglect of duty, or default of academic integrity in teaching, in research, or in scholarship;
- (3) Unlawful manufacture, distribution, sale, use or possession of marijuana, a controlled substance, or other illegal or dangerous drugs as defined by Georgia laws; teaching or working under the influence of alcohol which interferes with the faculty member's performance of duty or his responsibilities to the institution or to his profession;
- (4) Conviction or admission of guilt in a court proceeding of any criminal drug offense;
- (5) Physical or mental incompetency as determined by law or by a medical board of three or more licensed physicians and reviewed by a committee of the faculty;

- (6) False swearing with respect to official documents filed with the institution;
- (7) Disruption of any teaching, research, administrative, disciplinary, public service or other authorized activity;
- (8) Such other grounds for dismissal as may be specified in the Statutes of the institution.

Board of Regents Business Procedures Manual, Vol. 3A, Section II. Classified Employment

I. Dismissal, Demotion, Suspension

- (2) Any employee who is convicted of the unlawful manufacture, distribution, sale, use or possession of marijuana, a controlled substance or other illegal or dangerous drug, or who admits guilt of any such offense in a court proceeding, shall be suspended for not less than two (2) months or dismissed after compliance with procedural requirements set forth below. Such employee shall be required as a condition of re-employment following suspension to complete a drug abuse treatment and education program approved by the President of the institution.
  
- (6) If, prior to arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, an employee notifies his or her immediate supervisor that he or she illegally uses a controlled substance, marijuana, or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse and education program approved by the institution President, such employee shall be conditioned upon satisfactory completion of the program. The employee's work activities may be restructured if in the opinion of the immediate supervisor it is deemed advisable. No statement made by an employee to a supervisor or other person, in order to comply with this policy shall be admissible in any civil, administrative or criminal proceeding as evidence against the employee. The rights herein granted shall be available to a System employee only once during a five-year period and shall not apply if any such employee has refused to be tested or who has tested positive for a controlled substance, marijuana or a dangerous drug. (Same language found in Section 803.0902 of the Board of Regents Policy Manual.)

## **Summary**

### **State Drug and Alcohol Legislation**

1. **Open Container Law.** House Bill 11, Act 532, O.C.G.A. 40-6-253, effective July 1, 1992, prohibits possession of an open container of alcohol while operating a motor vehicle. Punishment includes a fine not to exceed \$200.
2. **DUI.** House Bill 63, Act 589, amending several O.C.G.A. provisions, effective July 1, 1997, contains numerous amendments to DUI blood alcohol level criteria, remedial alcohol treatment, and other matters. An offender who is allowed to enter a plea of nolo contendere is no longer permitted to retain his or her driver's license, but will be issued a temporary license for 120 days, until completion of a DUI risk reduction program. Should the offender fail to complete the program within 120 days, his or her license will be suspended for one year. The chemically-dispositive DUI standard has been lowered for persons 21 years or older from the old level of 0.10 grams of alcohol per milliliter of blood to 0.02 grams; and a nolo plea will not be available to a person under 21 years of age.
3. **Forfeiture of Motor Vehicles.** House Bill 66, Act 590, O.C.G.A. 40-6-391.2, effective July 1, 1991, provides that upon arrest for a fourth DUI, the defendant's motor vehicle will be seized. Upon conviction the DA will file a civil condemnation suit, sell the vehicle and place the proceeds in the general treasury of the political unit whose law enforcement personnel seized the vehicle.
4. **Forfeiture of Property.** House Bill 72, Act 391, amending O.C.G.A. 16-13-30.1/16-13-49, effective July 1, 1991, provides that any and all assets, including real and personal property of any kind, may be seized and sold when such assets are associated with, used, or intended to be used, in the commission of any drug offense. The proceeds will be distributed pro rata to the state and to local government units, according to the role played by each in the case.
5. **Suspension of Driver's License.** House Bill 123, Act 563, O.C.G.A. 40-5-75, effective March 28, 1997, provides that where a person is convicted of a misdemeanor involving marijuana or controlled substance possession, his or her driver's license will be suspended for at least 180 days. Restoration after that period depends upon satisfactory completion of a risk reduction program, and payment of a restoration fee. Suspensions of three and five years are imposed for second and third convictions, respectively.
6. **DUI School bus Driver.** Senate Bill 312, Act 472, O.C.G.A. 40-6-391.3, effective July 1, 1991, provides, among other things, that a school bus driver who is convicted of DUI while driving a school bus will be punished by imprisonment from one to five years and/or receive a fine of from \$1,000 to \$5,000.