



**Division of Student Affairs**

**Biennial Review of Alcohol  
and Other Drug Programs  
2022 –2024**

**DIVISION OF STUDENT AFFAIRS**

**147 SYCAMORE STREET**

**PIKEVILLE, KY 41501**

**606-218-5224**

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# INTRODUCTION

Founded in 1889 by Presbyterians, the University of Pikeville is comprised of the College of Arts and Sciences (CAS), the Coleman College of Business (CCOB), the Patton College of Education (PCOE), the College of Nursing and Human Services (CNHS), the Kentucky College of Optometry (KYCO), and the Kentucky College of Osteopathic Medicine (KYCOM). The CAS includes undergraduate degrees (with foundations of broad liberal arts and science education), while the CCOB, CNHS, and PCOE include undergraduate and graduate degrees (Master's). All three provide opportunities for students to develop to their full academic and personal potential while preparing for specific careers. The KYCO graduates apply their unparalleled clinical care and vision science knowledge in a cultural environment of faith, social justice, and human dignity of Appalachia and rural America. The KYCOM provides men and women with an osteopathic medical education that emphasizes primary care, encourages research, and promotes lifelong scholarly activity.

Part 86 of the Drug-Free Schools and Campuses Regulations requires that, as a condition of receiving funds or financial assistance, an Institution of Higher Education (IHE) must develop and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. To certify its compliance with regulations, an IHE must adopt and implement a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities. The program must include annual notification of the following: standards of conduct; a description of sanctions for violating federal, state, and local law and campus policy; a description of health risks associated with AOD use; a description of treatment options; and a biennial review of the program's effectiveness and the consistency of the enforcement sanctions.

Creating a program that complies with the regulations requires an IHE to do the following:

1. Prepare a written policy on alcohol and other drugs.
2. Develop a sound method for distributing annual notification information to every student and staff member each year.
3. Prepare a biennial review report on the effectiveness of its Alcohol and Other Drug ("AOD") programs and the consistency of policy enforcement.
4. Maintain its biennial review report on file, so the campus can provide the report if requested to do so by the U. S. Department of Education.

The law further requires that the institution conduct a biennial review of its program with the following objectives:

1. To determine the effectiveness of the policy and implement changes to the alcohol and other drug programs if they are needed.
2. To ensure that the sanctions developed are enforced consistently.

The biennial review must also include a determination as to:

1. The number of alcohol and drug-related violations and fatalities occurring on the campus or as part of the activities that are reported to campus officials.
2. The number and types of sanctions the IHEs impose on students or employees as a result of such violations or fatalities.

The University of Pikeville acknowledges its legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act. It has authorized an administrative review to determine if the University of Pikeville fulfills the requirements of the federal regulation requirements. The biennial review will include the following: a description of the AOD program elements, a summary of AOD program strengths and weaknesses, procedures for distributing annual AOD notification to students and employees, copies of the policies to students and employees, and recommendations for revising AOD programs in the future.

## SCOPE

The University of Pikeville maintains data on AOD programs, policies, and incidents. The biennial review will be used to review all programs, policies, and the number of incidents at the University of Pikeville. A representative committee was formed to provide feedback for the review. The committee is under the direction of and in cooperation with the Dean of Students. The Dean of Students reviewed practices in place, adjusted, and published a new handbook for 2024-2025 outlining new policies.

The following campus departments and individuals have provided information for the biennial report:

- Chris Robinson, Dean of Students
- Luke Kopp, Executive Director of Residence Life and Engagement
- Michael Pacheco, Associate Vice President for Operations and Human Resources
- Corey Fipps, Director of Athletics
- Beth Kingery JD, Executive Director of Compliance and Legal Affairs/Title IX Coordinator
- Joshua Kelly, Coordinator of Student Conduct and Residential Facilities

# PROCEDURES FOR DISTRIBUTING ANNUAL AOD NOTIFICATION TO STUDENTS AND EMPLOYEES

## **COMPLIANCE**

The University of Pikeville strives to comply with the Drug-Free Schools and Communities Act requirements. The University of Pikeville has adopted and implemented programs to prevent the abuse of alcohol and the use or distribution of illicit drugs both by students and employees both on its premises and as part of any of the University's activities. University of Pikeville has written an AOD policy that is distributed to students through the Student Handbook, and university website. It is distributed to employees through the Employee Handbook, new hire orientation, and university website. Available at: [www.upike.edu](http://www.upike.edu)

The written materials annually distributed contain the following:

1. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activities.
2. A clear statement of disciplinary actions and sanctions that UPIKE will impose on students and employees for policy violations.
3. A description of the applicable legal sanctions under local, state, and federal law.
4. A description of the health risks associated with the use of illicit drugs and abuse of alcohol.
5. A list of prevention, counseling, treatment, and resources available.

## **DISTRIBUTION OF POLICY**

University of Pikeville's federally mandated AOD policy is in effect and available in both the Student and Employee Handbooks and on UPIKE's website, Students, Faculty and Staff also receive the AOD policy via email communication. Faculty and staff also have access to the AOD policy via the University of Pikeville's Course Management System (Canvas).

Distribution of the policy is fulfilled through:

- Email communication sent out to all faculty, staff, and students with both an attached copy of the policy and a link to the policy on UPIKE's website [www.upike.edu/studenthandbook](http://www.upike.edu/studenthandbook)
- Distribution to all UPIKE Faculty and Staff via Canvas
- The Department of Athletics will conduct a mandatory Drug Education Program at the beginning of each semester

## **COPIES OF THE POLICIES DISTRIBUTED TO STUDENTS AND EMPLOYEES**

The University of Pikeville CARE Team acts as the overseeing AOD Program Committee. The primary purpose is to conduct a meaningful review of campus-wide components already in place. Based on the review's results, additional review and revision may be needed.

The University of Pikeville is committed to providing a safe, healthy learning environment for all members and reducing the harm associated with AOD use by students, faculty, and staff. UPIKE believes in encouraging and supporting all appropriate norms regarding the use of AOD and health alternatives.

The abuse and illicit use of alcohol and other drugs interfere with UPIKE's mission by exacting a significant cost due to the disruption of academic achievement that often follows, and the associated violence, vandalism, accidents, injuries, and health-related problems. It also interferes with the academic pursuits and the high-performance institutional culture of the majority who do not abuse alcohol or use illicit drugs. In addition, it can lead to conflict, legal problems, and an unsafe environment.

The Biennial Review Committee's mission and responsibilities include the following:

- Review and make recommendations to determine UPIKE's statement regarding policy and standards
- Monitor campus conditions and evaluate prevention efforts
- Prepare biennial review as required by federal law
- Review policy-enforcement sanctions one time per semester at a Behavior Intervention Team (BIT) meeting
- Make recommendations about alcohol-related policies and procedures

UPIKE's Drug and Alcohol Use Policy is available at: [www.upike.edu/studenthandbook](http://www.upike.edu/studenthandbook)

To report the illegal sale, use, or manufacture of drugs or alcohol on campus call 606-218-5940 or 606-477-0262, or click here to submit [Maxient incident report](#).

UPIKE recognizes that AOD misuse and the unlawful possession, use, or distribution of illicit drugs and alcohol pose major health concerns, are potential safety and security issues, can adversely affect academic and job performance, and can generally inhibit the educational development of students.

University of Pikeville is dedicated to complying with the Federal Drug-Free Workplace Act of 1988's, and the Drug-Free Schools and Communities Act Amendments of 1989's standards. As a result of this commitment, UPIKE has established regulations forbidding the unlawful manufacture, distribution, dispensing, possession, or use of illegal or illicit drugs and alcohol on UPIKE premises or property or as part of any of UPIKE's activities. These regulations assure that the UPIKE complies with all applicable federal, state, and local laws.

## REGULATIONS

- Manufacture, use, possession, or distribution of alcohol and/or illegal or illicit drugs is forbidden on the campus, in campus facilities, and at university-sponsored activities without administrative approval.
- Prohibited actions of the University Drug and Alcohol Policy shall include without limitation:
  - Display and, or consumption of alcoholic beverages and, or other illegal or illicit substances on campus, in campus facilities, and, or at university-sponsored activities without administrative approval.
  - Disruptions of other persons on the campus and/or to the residence halls by excessive noise, boisterous behavior, or violence while under the influence or impaired by alcohol and/or other illegal or illicit substances.
  - An act of violence committed while under the influence of or impaired by alcohol and/or other illegal or illicit substances.
  - Damage to University property or the property of another person while under the influence, or impaired by alcohol and/or other illegal or illicit substances.
  - Attending classes or participating in any University activities under the influence of or impaired by alcohol and/or other illegal or illicit substances.

## REFERRAL/TREATMENT

Students with alcohol or other drug-related problems are encouraged and, in some cases, may be required to utilize the services located on campus and private agencies including those specified below. Some agencies that offer services in the area are listed within the policy update section of this document.

## DISCIPLINARY ACTIONS

- Students who violate the regulations are subject to the following disciplinary sanctions as more fully outlined in the Code of Student Conduct: warning, fines and restitution, task compliance/community service, disciplinary probation, suspension from residence halls, temporary suspension, suspension, and dismissal. The disciplinary action taken may depend



on the circumstances of the individual case and the judgment of appropriate University officials.

- In conjunction with or in place of the imposition of any of the disciplinary sanctions outlined in Section 1 herein, students may also be referred to appropriate local, state, or federal law enforcement agencies for prosecution.
- In conjunction with or in place of any of the disciplinary sanctions outlined in Section 1 herein, students may be required to complete an appropriate counseling or rehabilitation program. All disciplinary hearings or proceedings due students charged with violations of this regulation shall be conducted in accordance with or as provided by the Code of Student Conduct.
- If and to the extent the Drug-Free Workplace, Campus, and Community regulations conflict with or contradict the Code of Student Conduct, the Drug-Free Workplace, Campus, and Community regulations shall be controlled.
- In ANY case where disciplinary action is deemed necessary for misconduct, initially, the University reserves the right to impose the most severe sanction including suspension, dismissal, and prosecution.

## **LEGAL SANCTIONS**

Apart, separate and distinct from University policies, students who engage in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, illicit or illegal drugs, or alcohol are subject to legal sanctions. These legal sanctions include those imposed under local and municipal ordinances, Kentucky State Statutes, the United States Code and other applicable, local, state and federal laws. Such sanctions could include, without limitation, fines, and imprisonment.

## **HEALTH RISKS**

The use, misuse, or abuse of illicit drugs and alcohol can lead to or result in a variety of health risks including, but not limited to, addiction or dependency, physical infirmities and trauma, mental and emotional disorders and trauma, and, in some cases, harm to unborn children.

## **REVIEW OF POLICY**

The Dean of Students shall take such steps as necessary to provide for the University of Pikeville's annual or biennial review of its Drug and Alcohol Policy to determine its effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

# UNIVERSITY OF PIKEVILLE DRUG AND ALCOHOL USE POLICY

## STUDENT POLICY

The University of Pikeville strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its members concerning the use of alcohol. The use, possession, or consumption of any alcoholic beverage or paraphernalia in a university classroom building, laboratory, auditorium, library building, gallery, residence hall, faculty or administrative office, athletic facility, or any campus area, including but not limited to, possession of alcohol, consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, driving while intoxicated is prohibited on university property.

The University of Pikeville complies with the Drug-Free School Communities Act of 1989. This act requires that the University of Pikeville certify it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees to remain eligible for federal financial assistance, as outlined in local, state and federal laws, and the rules and regulations of the University.

The University strives to maintain an environment free of alcohol and illicit drug use. Participation in behaviors related to the use, distribution, or possession of alcohol and illicit drugs is not condoned within the campus community. Employees and students have shared responsibility for preventing alcohol abuse and illegal alcohol and illicit drug use at university-affiliated events both on campus and off and assuring compliance with the Drug-Free Schools regulations.

## DEFINITIONS

- **Alcohol:** ethyl alcohol whatever its origin; includes synthetic ethyl alcohol but not denatured alcohol
- **Beer:** any beverage obtained by the fermentation of barley, malt, hops, or any other similar product or substitute, and containing more alcohol than that of non-intoxicating beer.
- **Illicit Drugs:** any substance that alters the mind in a psychoactive way and is illegal in the eyes of the law and punishable with criminal justice; includes but is not limited to marijuana/hashish, cocaine (including crack), heroin, hallucinogens, inhalants, or prescription-type psychotherapeutics used non-medically.
- **Intoxication:** having one's faculties impaired by alcohol or other drugs to the point where physical or mental control, or both are markedly diminished.
- **Manufacture:** to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor.

- **Open Container:** Containers in which the original seal has been broken or containers that are not able to be permanently sealed.
- **Sale:** any transfer, exchange, or barter in any manner or by any means, for a consideration, and shall include all sales made by the principal, proprietor, agent, or employee.
- **Selling:** includes solicitation or receipt of orders; possession for sale; and possession with intent to sell.
- **Public area:** any place, building, or conveyance on campus to which the public and/or members of the University community have, or are permitted to have access, including lobbies, corridors of residence halls, and on-campus streets and walkways; does not include places of residence for students assigned to said residence.
- **University Break Period:** anytime outside of the fall and spring academic semesters in which University housing is officially closed, including Thanksgiving Break, Winter Break, Spring Break, Easter Break, throughout summer housing (between the spring and fall semesters), and in the few weeks and/or days before the start of the fall semester and the end of the spring semester in which some students are allowed to move into campus housing early or to move out of campus housing later than normal.

This policy implements the [Drug Free Schools and Communities Act \(20 U.S.C. 1145g\)](#).

## **PURPOSE**

The risks associated with the use of illicit drugs and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration, and devastating effects on family and friends. There are obvious risks such as suffering a hangover, being charged with driving under the influence or while intoxicated and sustaining or causing personal injury. There are several less obvious risks associated with alcohol and other drug abuse that students might not realize, including:

- Poor academic performance
- Poor job performance
- Poor social interactions
- Unwanted and inappropriate sexual activity
- Sexually transmitted diseases, including HIV/AIDS
- Pregnancy
- Jeopardizing future career prospects, (e.g., admission to law school and employment with the federal government)

In addition, alcohol and illicit drug abuse puts the user at considerable health risk, which can include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations, and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to classmates, the public, and unborn children.

All students, whether on or off campus, must adhere to local and federal laws concerning alcohol use and are expected to conduct themselves in a manner consistent with University expectations. The University will not tolerate the unlawful manufacture and/or illegal purchase, consumption, possession, or distribution of alcohol to or by any student.

Local and federal laws prohibit the unlawful use, manufacture, possession, control, sale, and dispensation of illicit drugs. These laws carry penalties for violations, including monetary fines and imprisonment. The unlawful manufacture, distribution, dispensation, possession, or use of an illicit drug by a student on University property or as any part of a University-sponsored program on or off campus is strictly prohibited.

Any student who violates the Student Code of Conduct as it relates to alcohol and illicit drug use is subject to sanctions as outlined therein. See also the Penalties for violation of federal and local jurisdiction standards related to drugs and alcohol.

The University cooperates fully with law enforcement authorities. Violations of the University of Pikeville Alcohol and Illicit Drug Policy and/or the Student Code of Conduct that are also violations of federal and local law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently in the University conduct system and in the criminal justice system.

## **OTHER RESOURCES**

### **UPIKE CAMPUS NURSE:**

5th Floor COAL Building  
606-218-5048

### **UPIKE THRIVE COUNSELING CENTER:**

6<sup>th</sup> Floor Record Memorial Building  
606-218-4357

### **MOUNTAIN COMPREHENSIVE CARE CENTER:**

118 River Drive, Pikeville, KY 41501  
(606) 432-3143

### **PIKEVILLE MEDICAL CENTER:**

911 S Bypass Rd, Pikeville, KY 41501 606-218-3500

### **OFFICE OF THE DEAN OF STUDENTS:**

The University's Dean of Students Office is also available to assist students seeking alcohol and/or other drug rehabilitation services.  
606-218-5945

# PENALTIES

The following information intends to provide knowledge of possible sanctions for citations and/or arrest for illicit drugs and/or alcohol use known to be available; penalties under federal, state, and local laws are separate from University sanctions for on-campus conduct proceedings. Students who will seek professional licenses after graduation should note that some professional licensing agencies could consider alcohol and other drug convictions in determining licensure.

Current information about the Kentucky State Code can be found on the [Kentucky Legislature Website](#).

## **ALCOHOL:**

Minors not to possess or purchase liquor nor to misrepresent age -- Use of fraudulent identification -- Prohibition against minors remaining on premises where alcoholic beverages are sold. <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50405>

Penalties for violating Kentucky state alcohol laws:

<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=46009>

## **ILLCIT DRUGS:**

According to Kentucky law 218A.50, drug paraphernalia means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

Moreover, drug paraphernalia includes but is not limited to kits, isomerization devices, testing equipment, scales and balances, diluents and adulterants, separation gins and sifters, blenders, bowls, containers, spoons, mixing devices, capsules, balloons, envelopes, hypodermic syringes, other containers and objects used by a student and intended or designed to be used for are prohibited.

In the case of disruptive activity on campus, neither the Dean of Students nor any University official will negotiate or attempt to negotiate with any person(s) so engaged. When such a situation arises the Dean of Students or other University officials will take immediate action to utilize all lawful measures to halt and eliminate any disruptive activity that comes to their attention and may initiate disciplinary proceedings.

## **ALCOHOL AMNESTY:**

Student health and safety are of primary concern at the University of Pikeville. As such, in cases of intoxication, alcohol poisoning, or drug-related medical emergencies, the University of Pikeville always encourages individuals to seek medical assistance for themselves or others.

Students who seek medical attention for themselves related to the use of drugs or alcohol will not be formally charged with a violation of the Code of Conduct related to that use, provided that the student subsequently completes an assessment and any other recommended treatment from the Dean of Students and/or their designee. Failure to complete such assessment may result in additional sanctions being applied.

Students who seek medical attention for someone else related to the use of drugs or alcohol will not be charged with a violation of the Code of Conduct related to that use.

Consistent with the University's Sexual Misconduct Policy, no student who reports that he or she was under the influence of alcohol and/or drugs at the time of a sexual misconduct incident will be charged with a violation of the Code of Conduct related to alcohol and/or other drug use.

The Alcohol Amnesty policy does not excuse or protect students who repeatedly violate the University's Student Code of Conduct, in which case the University reserves the right to take conduct action on a case-by-case basis regardless of how the incident was reported. Additionally, the University reserves the right to adjudicate any case in which the violations are flagrant violations of the Student Code of Conduct and put the University community at risk. The University continues to reserve the right to notify parents as per the Information Disclosure policy.

## **ALCOHOL USAGE GUIDELINES**

The University of Pikeville community is subject to the same local and state laws that govern all citizens, including those concerning the possession, use, sale, and distribution of alcohol; acts that violate these laws are in direct conflict with University regulations. Suspected student violations of the University Alcohol and Illicit Drugs Policy are processed through the student conduct system under the direction of the Dean of Students and/or their designee and will be subject to sanctions up to and including dismissal from the University.

# STUDENT CODE OF CONDUCT, ALCOHOL:

## VIOLATION OF THE ALCOHOL POLICY:

The use, possession, or consumption of any alcoholic beverage or paraphernalia in a university classroom building, laboratory, auditorium, library building, gallery, residence hall, faculty or administrative office, athletic facility, or any campus area, including but not limited to, possession of alcohol, consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, driving while intoxicated is prohibited on university property without specific permission from the university administration. For more information, please review the Student Handbook's section regarding Alcohol & Illicit Drugs.

- **EMPTY CONTAINER:** Possession of containers that previously contained alcoholic beverages. Empty containers will be considered open containers and deemed as proof of consumption and a violation of the alcohol policy. The policy applies to all students, regardless of age. Empty alcohol containers cannot be used as decorations.
- **COMMON SOURCE:** Possession of common source containers, whether full or empty, of alcohol such as kegs, beer balls, or boxed wine.
- **DRINKING GAMES:** Participation in and/or being in the presence of drinking games or activities that encourage rapid consumption of alcohol.
- **POSSESSION:** Possession of alcoholic beverages by anyone including persons 21 years of age or older on University property.
- **CONSUMPTION:** Consumption of alcoholic beverages or possession of an open container by anyone including persons 21 years of age or older on University property. This includes but is not limited to; public space within a residence hall, academic buildings, athletic venues/buildings, tailgating, etc.
- **INTOXICATION:** Intoxication by any person, regardless of age. Social drinking must never be undertaken to the detriment of, or in violation of, the rights of others. As such, students are reminded that it is their responsibility to be sober at all times. The University will not tolerate public drunkenness since intoxicated students act in a manner inconsistent with the values of the University, pose a threat to themselves, and can make life unpleasant for those with whom they live. Any student found in an intoxicated condition will be subject to appropriate sanctions. The determination as to whether or not a student is intoxicated may be made based on the following factors including, but not limited to whether a student is:
  - unable to walk without assistance
  - speaking incoherently
  - unconscious

- vomiting
- emitting a strong odor of alcohol
- behaving in a loud and/or disorderly manner
- **SALE/DISTRIBUTION:** Sale, distribution, or provision or attempts to sell, distribute, or provide alcoholic beverages to or by anyone including persons 21 years of age or older on university property. This includes hosting a party where alcohol is present and/or being consumed without administrative approval.

### **SANCTIONS FOR ALCOHOL VIOLATIONS**

The sanctions listed are guidelines and may be altered at the discretion of the Dean of Students and/or their designee; the list is not exclusive, nor does it represent the maximum or minimum action that may be taken to address a particular concern. Sanctions may also be combined with other sanctions when violations of other tenets of the Student Code of Conduct occur at the same time; in such instances, the highest level of violation will apply. Sanctions may be modified based on the severity of the incident, the impact on the community, and the student's individual conduct history; actions that lead to harm to self, others, and/or property may result in an immediate Level 4 or Level 5 offense. Sanctions are based on accumulation of student violations throughout time of study at the University of Pikeville and students placed on a level are subject to remain at that level during the remainder of their time of study at the University.



# ALCOHOL VIOLATION SANCTIONING GUIDELINES

SANCTION LEVEL	EXAMPLES OF VIOLATIONS	SANCTION GUIDELINES
<b>Level 1A</b>	Underage possession. Possession while in the presence of an underage person(s); possession/ consumption of an open container of alcohol in non-designated areas; creating a minor disturbance while under the influence of alcohol.	<b>Alert Status:</b> Mandatory completion of an online educational program (if not already completed). The student is responsible for paying all costs associated with program completion; Parents/guardian notification for underage individuals.
<b>Level 2A</b>	A second offense of a Level 1A violation; aggravated Level 1A violation including failure to comply in an investigation; jeopardizing the safety of self or others; possession of a false form of identification; hosting a party; drinking games; consumption while in the presence of an underage person(s).	<b>Warning Status:</b> Optional alcohol assessment by the University-provided Counseling Center. Parents/guardian notification for underage individuals. Alcohol education and/or educational activity. \$150 fine.
<b>Level 3A</b>	Third offense of a Level 1A violation; Level 1A violation when Level 2A status has already been assigned; a grossly aggravated offense of a Level 2A violation; serving minors /allowing the consumption of alcohol by underage person(s) to take place in one's residential area; alcohol impairment/abusive use (driving under the influence of alcohol, disruptive or violent behavior, drunkenness or intoxication) possession of unauthorized alcohol paraphernalia/excessive quantity of alcohol	<b>Conduct Probation:</b> Mandatory completion of alcohol assessment by the University-provided Counseling Center (if not already completed). Campus social restrictions. Loss of housing selection privileges for on-campus or off-campus housing selection processes; Parents/guardian notification for underage individuals. Alcohol education and/or educational activity. \$300 fine.
<b>Level 4A</b>	Inducing/forcing another to consume alcohol; any violation of the alcohol policy following placement on Level 3A status; an aggravated offense of a Level 3A violation; second offense of a Level 2A violation when a Level 2A has already been assigned.	<b>Suspension/expulsion from the University and/or housing:</b> Recommendation to off-campus outpatient or inpatient facilities for assessment and/or AOD program(s); Campus social restrictions; Parents/guardian notification and/or meeting for underage individuals. Alcohol education and/or educational activity; \$300-600 fine.

## DRUG USAGE GUIDELINES

The use, possession, and/or distribution of illicit drugs and/or drug paraphernalia of any kind is prohibited on campus. The University of Pikeville does not permit marijuana for any purpose; students who qualify under local law to use marijuana for medical purposes may not possess, store, use, or share marijuana on university-owned or controlled property or during university-sponsored events.

## STUDENT CODE OF CONDUCT, DRUGS:

### VIOLATION OF THE ILLICIT DRUG POLICY:

Possession, use, or delivery or coordinating the delivery of illicit drugs, as defined by the Alcohol & Illicit Drug Policy.

- a) **PARAPHERNALIA:** Possession of paraphernalia including any item typically used to inhale/ingest/inject/mask drugs, regardless of whether the item has been used for illegal purposes.
- b) **POSSESSION:** Possession of drugs
- c) **USE:** Use of drugs.
- d) **PRESCRIPTIONS:** Misuse, abuse, and/or sale of prescription drugs.
- e) **DISTRIBUTION:** Distribution (any form of exchange, gift, transfer, or sale) of drugs.
- f) **CO-CONSPIRATOR/AIDING:** Serving as a co-conspirator in drug-related activity on campus; includes aiding in and/or knowingly endorsing acts of distribution.

### SANCTIONS FOR DRUG VIOLATIONS

The sanctions listed are guidelines and may be altered at the discretion of the Dean of Students and/or their designee; the list is not exclusive, nor does it represent the maximum or minimum action that may be taken to address a particular concern. Sanctions may also be combined with other sanctions when violations of other tenets of the Student Code of Conduct occur at the same time; in such instances, the highest level of violation will apply. Sanctions may be modified based on the severity of the incident, the impact on the community, and the student's individual conduct history; actions that lead to harm to self, others and/or property are considered may result in an immediate Level 4 or Level 5 offense. Sanctions are based on accumulation of student violations throughout time of study at the University of Pikeville and students placed on a level are subject to remain at that level during the remainder of their time of study at the University.

# ILLICIT DRUG VIOLATION SANCTIONING GUIDELINES

SANCTION LEVEL	EXAMPLES OF VIOLATIONS	SANCTION GUIDELINES
<b>Level 1D</b>	Possession of drug paraphernalia without residue/evidence of drugs; drug paraphernalia; persistent odor of marijuana smoke; misuse of a prescription drug	<b>Conduct Probation;</b> Mandatory completion of an online educational program (if not already completed); Student is responsible for paying all costs associated with program completion; Parents/guardian notification of underage individuals; Campus or community service; Drug education and/or educational activity; \$150-\$300 fine.
<b>Level 2D</b>	Possession of, use of, or under the influence of a controlled substance; possession of drug paraphernalia that indicates or suggests distribution; aggravated Level 1D violation including failure to comply in an investigation; recreational use or under the influence of a legal or illegal mind-altering substance(s); second offense of a Level 1D violation.	<b>Placement on Conduct Probation; Suspension from the University and/or housing;</b> Reassignment of campus housing; Loss of housing selection privileges for on-campus or off-campus housing selection processes; Parents/guardian notification and/or meeting for underage individuals; Campus or community service; Campus social restrictions; Alcohol education and/or educational activity; Mandatory completion of an online educational program (if not already completed). The student is responsible for paying all costs associated with program completion; \$300-\$600 fine.
<b>Level 3D</b>	Distribution (any form of exchange, gift, transfer, or sale) of illicit drugs; serving as a co-conspirator, aiding in and knowingly endorsing acts of illicit drug distribution; second offense of a level 2D violation; third offense of a level 1D violation.	<b>Immediate Suspension and/or Expulsion from the University</b>

## ENFORCEMENT

The primary sources on campus that enforce the alcohol and drug policies for students are the Public Safety Staff, Office of Student Conduct and Community Standards, Residence Life Staff, and Dean of Students. The Coordinator of Student Conduct serves as the Chief Judicial Officer. The CJO primarily utilizes administrative hearings to assess infractions and determine sanctions. A campus judicial board could be utilized if the hearing officer believes the case has had a great impact on the larger community and a judicial board process will be perceived more positively and with less bias than an administrative hearing. The Dean of Students is the appeal officer for all conduct cases unless they are heard by the Dean of Students. For the Dean of Students appeals, the Assistant Provost for Retention is the appeal officer.

## DRUG AND ALCOHOL STUDENT INCIDENT REPORT:

### ACADEMIC YEARS 2022-2023 AND 2023-2024

ACADEMIC YEAR	ALCOHOL VIOLATIONS	DRUG VIOLATIONS	REPEAT OFFENSES	EXPULSIONS ALCOHOL OR DRUGS VIOLATIONS	FATALITIES RELATED TO ALCOHOL OR DRUGS
2022-2023	29	6	3	0	0
2023-2024	28	8	1	0	0

## DRUG AND ALCOHOL EMPLOYEE INCIDENT REPORT:

### ACADEMIC YEARS 2022-2023 AND 2023-2024

ACADEMIC YEAR	ALCOHOL VIOLATIONS	DRUG VIOLATIONS	REPEAT OFFENSES	EXPULSIONS ALCOHOL OR DRUGS VIOLATIONS	FATALITIES RELATED TO ALCOHOL OR DRUGS
2022-2023	0	0	0	0	0
2023-2024	0	0	0	0	0

# EMPLOYEE ALCOHOL/DRUG POLICY

## SANCTIONS:

The University of Pikeville, per the Drug-Free Schools and Communities Act of 1988, does not permit the use of drugs or alcohol on campus. Under this act:

- It is unlawful to manufacture, distribute, dispense, possess, or use any controlled substance (including alcohol) in the workplace.
- The university will take disciplinary action (up to and including termination of employment) when this policy is violated by employees.
- Any employee who is convicted of violating any criminal drug law must notify the University no later than five days after the arrest.

As part of the disciplinary process, the University will recommend special counseling and/or a rehabilitation program if you have asked for help or if you are identified as needing help.

If you are disciplined because of drug or alcohol dependency, you may formally appeal the action. For more information about this policy or to seek support, please contact Human Resources at 606-218-5346.

# ATHLETICS—DRUG AND ALCOHOL USE AND DRUG TESTING POLICY

*The policy was obtained via The University of Pikeville's (UPIKE) Athletic Department*

*website: [https://upikebears.com/documents/2017/6/14//UPIKE\\_Drug\\_Policy.pdf?id=457](https://upikebears.com/documents/2017/6/14//UPIKE_Drug_Policy.pdf?id=457)*

The University of Pikeville's (UPIKE) Athletic Department is committed to serving UPIKE by providing an education and testing program to prevent illegal and illicit drug use among UPIKE student-athletes participating in intercollegiate athletics. This program is consistent with the standards set by our conference, the Mid-South Conference (MSC), and the National Association of Intercollegiate Athletics (NAIA). This policy applies to all UPIKE students participating in intercollegiate athletics.

Our mission is to provide a drug-free environment in which student-athletes safely compete as well as the opportunity for those struggling with drug abuse to obtain support. The drug testing and screening program is regarded as a preventative measure with the main objective being student-athlete physical and mental well-being.

Any student-athlete found to be involved in the illegal distribution of illicit drugs (transfer and/or sale), through any means, will be immediately dismissed from all athletic teams and their athletic-related financial aid canceled. If the student-athlete's athletic financial aid is canceled, then the Dean of Students will be notified, and the student-athlete will be processed through the Student Conduct System.

## **EDUCATION**

Student-athletes at UPIKE are required to participate in and successfully complete (1) the NAIA's Drug-Free Sport *myPlaybook* online education program, and (2) other educational programs required by UPIKE.

## **BANNED SUBSTANCES**

Tests will be conducted for a panel of drugs which include, but are not necessarily limited to marijuana, cocaine, amphetamines, methaqualone, methamphetamines, morphine, phencyclidine (PCP), and barbiturates. Exposure to marijuana via second-hand smoke could result in a positive (+) test. Because of its illegal nature, any positive tests claimed to be due to second-hand smoke will be considered the same as a positive test. In addition, the University of Pikeville reserves the right to test for anabolic steroids and any other substances banned by NAIA regulations. These substances, (except as may be prescribed by a physician in treating an individual's medical

condition), are expressly prohibited whether such use occurs before, during, or after the competitive season of the particular sport.

*Nutritional supplements* are not strictly regulated and may contain substances banned by the university and/or the NAIA. All nutritional supplement use is at the student-athlete's own risk. If a student-athlete has a question if a particular supplement or over-the-counter drug is legal or not, the answer can be found at [www.drugfreesport.com/axis](http://www.drugfreesport.com/axis). Organization: NAIA, Password: naialive5.

- *Prescription Medications*: The chemical compounds used to make prescription-strength medications may produce positive test results. If an athlete has been properly prescribed a medication by their doctor, they will be granted an exception from their positive test if the athlete can verify their prescription. The student-athlete must provide a prescription that is valid to within 30 days of the test date. The University of Pikeville must be provided with a copy of said prescription within 48 hours of testing. Due to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (The Controlled Substances Act), it is illegal to obtain, distribute, or take prescription drugs without a signed prescription.

### **SAFE HARBOR PROGRAM**

The Safe Harbor Program allows for a student-athlete at the University of Pikeville to voluntarily disclose the use of a prohibited substance to the Athletic Training staff, Athletic Director, or coach and receive evaluation, testing, and counseling without penalty. A student-athlete is not eligible for the program after he or she has been informed of an impending drug test or after having received a positive drug test.

Once entered into the Safe Harbor Program, a baseline drug screening will be performed to determine if the athlete has a prohibited substance within their system. If the test returns positive, the athlete will be declared medically ineligible for a timeframe declared by the testing facility and/or medical professional to demonstrate a decrease in the illicit substance based on the specific drug test. During this period of ineligibility, the student athlete is exempt from any other violation or sanctions via the athletic department with regards to this incident and the student athlete's drug use. The athlete must test at the end of the established period at their own expense to determine a negative test and if the prohibited substance has cleared the body. If the test is negative, the student-athlete will be permitted to join team activities. A positive test could result in a continued period of medical illegibility provided the levels of the controlled substance in the student-athlete's system are falling. If the levels are not falling, then the positive test will be considered a violation of the substance abuse policy as described below.

The student-athlete will be referred to counselors for a screening and to determine if counseling is necessary. Student-athletes who participate in counseling under this program must sign a consent form authorizing the counselor to provide UPIKE with reports on the student-athlete.

Student-athletes also must successfully complete any remedial measures recommended by the counselor. The student-athlete will be permitted to remain in the Safe Harbor Program for up to 30 days, after which time they will become subject to the same testing and penalties as the rest of the athletic population. If a student-athlete is determined to have used a prohibited substance after the initial admittance to the program, or fails to comply with the treatment plan, the athlete will be removed from the program. A student-athlete will only be permitted to enter the Safe Harbor Program once during their athletic eligibility at UPIKE. While in the Safe Harbor Program, a student-athlete **will not** be included in the list of student-athletes eligible for random drug testing.

## **DRUG SCREENING**

- 1.** All student-athletes will be screened prior to the start of each new academic year. This is a mandatory screening and an athlete that is un-tested or receives a positive test will not be cleared to participate in their sport until following through with the procedures. Additional testing may be required by the NAIA for student-athletes participating in NAIA national championship competitions, to which NAIA procedures and sanctions will apply.
- 2.** All student-athletes are required to sign a Drug Testing Consent Form before being allowed to participate in intercollegiate athletics at the University of Pikeville. This form allows the Athletic Director and Head Athletic Trainer to request that an athlete be tested for substance abuse at any time during the school year for any illegal or banned drugs included on the NAIA banned drug list.
- 3.** If a student-athlete chooses not to sign the consent form, he/she is waiving their choice to compete in intercollegiate athletics for the University of Pikeville and also waive the terms of their Athletic Aid Contract.
- 4.** Student-athletes may also be subject to screening that will occur throughout the school year. The Athletic Director or Head Coach of a team may also request any of their student-athletes or team be tested at any time during the academic year.
  - a.** This testing will be random and may be announced or unannounced. Students will be selected for random testing via computer.
  - b.** From the time in which an athlete is called to provide a test sample until the time that they actually provide the test sample, the athlete will be declared medically ineligible and unable to participate in any athletic activity.
  - c.** In addition to the randomly selected persons to be tested, athletes may be chosen by referral of the Head Coach, Athletic Director, or Head Athletic Trainer based on the report of a credible witness.
- 5.** Screening will be accomplished by the analysis of a urine specimen or other recognized analytical procedure. All chemical analyses will be conducted by a professional laboratory.
- 6.** Screening will be administered in a confidential setting by a member of an independent testing lab (representative) following standards and procedures that meet or exceed industry norms.
- 7.** Refusal to comply with testing will be considered the same as a positive test result.



## **MINIMUM SANCTIONS FOR A POSITIVE TEST RESULT FOR PROHIBITED SUBSTANCES**

If an UPIKE student-athlete has a first positive test result, he or she will be informed by the Athletic Director and will have a meeting with him (AD) and the Head Coach to discuss the violation schedule below. Per The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. section 1232g; 34 CFR Part 99), the student-athlete's parent(s) or legal guardian(s) will also be notified of the positive test if the student-athlete is under the age of 21. Additionally, athletic transfer releases **will not** be granted until any required counseling and/or community service has been completed.

### **First Positive Test:**

1. The Athletic Director and Head Coach will notify the student-athlete of the results.
2. Student-athlete must be scheduled to meet with university supported counseling services within five (5) working days (if student seeks off-campus counseling services they do so at their own expense and must be approved by UPIKE) to attend a Drug Education Program.
3. Failure to attend the Drug Education Program will result in an automatic 14-day suspension from all sports-related activities, including 10% of their remaining games. The student-athlete will also not be allowed to return to team activities until the Drug Education Program is completed.
4. Disciplinary sanctions deemed necessary will be administered by the Head Coach and approved by the Athletic Director.
5. After 60 days from the date the student-athlete first tested positive, the student-athlete will be required to participate in drug testing whenever random drug tests are conducted for their team, for a full 365-day calendar year from the date that their first positive test was administered.

### **Second Positive Test (or levels are not going down):**

1. Athletes will serve a 21-day suspension from all sport-related activities.
2. This suspension also includes 20% of their remaining game schedule and will not be allowed to take an eligibility redshirt.
3. For the duration of the 21 days, the student-athlete must see a counselor on campus (if off-campus then at the student's expense and approved by UPIKE).
4. During these 21 days the student-athlete will also be required to do 32 hours of community service through the University of Pikeville and at the university's discretion.
5. Student-athletes must take a drug test at the end of their suspension to prove that their levels are going down. This test will be paid for by the student-athlete and the student-athlete will not be reimbursed for any cost associated with the test.
6. Athlete will continue to remain subject to drug testing whenever random drug tests are conducted for their team, for 365 days from the date of their second positive test.

### **Third Positive Test (or levels not going down):**

1. Student-athletes will be suspended from all sport-related activities for 365 days beginning from the day that this 3<sup>rd</sup> test was administered.
2. Student-athlete's athletic-related financial aid will be revoked permanently.
3. Student-athletes will not be allowed to take an eligibility redshirt during this time.
4. Student-athletes must participate in counseling for the entire year.
5. Student-athletes will be required to take a retest at their expense after 30 days.
6. Student-athletes will remain subject to testing whenever random drug tests are conducted for their team for 365 days.
7. If the Student-athlete has any further positive tests he/she will be permanently dismissed from athletics at UPIKE.

*If the suspension cannot be completed during the regular or post-season, whatever suspension is left will carry over to the next academic year. While serving suspensions student-athletes may not be in uniform and will not be permitted on the sideline or travel with their respective team.*

### **APPEALS PROCEDURES**

1. Any student-athlete who tests positive has the right to appeal the test result. The Athletic Director must receive a written request (letter or email) within 48 hours of a notification of a positive test. Failure to request a hearing will result in a waiver of the right to a hearing. The penalties will be imposed after the 48-hour time period has elapsed. The student-athlete may not participate in any outside competition during this time.
2. Upon the Athletic Director's approval of the student-athlete request to appeal the results, the Head Athletic Trainer will contact the independent laboratory's representative and a second screen will be performed using the original specimen at the expense of the student-athlete.
3. If the student-athlete wishes to appeal the test results and or penalties, the Athletic Director will convene an appeals committee to hear the request. A hearing will be held within seven (7) working days following receipt of the request by the student-athlete unless additional time is required, in which case the Athletic Director will inform the student-athlete of the need for more time. The Appeals Committee will consist of an athletic department administrator to chair the committee (appointed by the Athletic Director), a University of Pikeville faculty or staff member, and a full-time member of our athletic training staff.
4. At the hearing, the student-athlete may be accompanied by an advisor, who must serve in an advisory capacity only. The student may present evidence and witnesses in their favor, and question witnesses presented against him/her. No less than three (3) working days before the hearing, UPIKE will allow the student-athlete access to any evidence to be presented against

him/her at the hearing. The appeals committee may ask questions of the student-athlete and any witnesses presented at the hearing.

5. A ruling will be made within five (5) working days upon completion of the hearing. The ruling of the committee is final.

### **CONFIDENTIALITY OF TEST RESULTS**

All information and records under the University of Pikeville Substance Abuse and Testing policy, including test results, will remain confidential and may be released only to the following persons:

- Athletic Director
- Head Coach
- Athletic Trainer
- Student Athlete
- Dean of Students
- University of Pikeville Legal Counsel
- Other university officials and contractors as may be necessary to implement this Policy
- Athlete's Parents or Legal Guardians (per FERPA regulations)

# DESCRIPTION OF THE ALCOHOL AND DRUG PROGRAM ELEMENTS

The University of Pikeville strives to create programming that complements, educates, and provides awareness of the implications of AOD policy violations on the individual, community, and University levels. Below is the description of the AOD-specific programs conducted.

- Facilitated Resident Assistant Training regarding AOD elements specific to residential students
- Facilitated Area Coordinator Training regarding AOD elements
- Facilitated Public Safety New- Officer training regarding AOD elements
- Facilitated Public Safety In-Service training regarding AOD trends
- Facilitated First-Year Experience orientation regarding AOD elements specific to first-year students
- Conducted mandatory athlete orientation regarding AOD elements and NAIA standards of conduct
- Conducted International Student Services extended orientation regarding AOD elements focused on culture, use, and policies
- Coordinated Counseling Center availability for student support and information regarding AOD elements
- Facilitated on-campus events focused on AOD education and prevention
  - Title IX Office: Sex and Drugs Show (Title IX Engagement Programming)
  - Title IX Office: Sexual Assault Awareness Week Programming
  - Office of Residence Life: Residential programming hosted by Resident Assistants
  - Office of Student Conduct: AOD Awareness Events (Impaired Fair; Documentary Screening)

**TABLE OF PROGRAMS**

<b>DATE</b>	<b>ACTIVITY</b>	<b>AUDIENCE</b>
<b>08/2022</b>	New Student Orientation	First-Year Students
<b>08/2022</b>	Residence Hall Meetings	All Residential UPIKE Students
<b>08/2022</b>	Drunk Ballin’ Bears	All Students
<b>09/2022</b>	Goggled Up Pong Tourney	Residential Students
<b>09/2022</b>	Don’t Drink Like a Fish	Residential Students
<b>10/2022</b>	Lets Taco Bout Alcohol Awareness	Residential Students
<b>10/2022</b>	Sip Some Cider	Residential Students
<b>10/2022</b>	Impaired Fair	All Students
<b>01/2023</b>	Drunk Goggle Wiffle Ball	All Students
<b>02/2023</b>	Drunk Goggle Kickball	All Students
<b>04/2023</b>	Snap Cone Mock Tails	All Students
<b>08/2023</b>	New Student Orientation	First-Year Students
<b>08/2023</b>	Residence Hall Meetings	Residential Students
<b>09/2023</b>	Drunk Goggle Mario Kart	Residential Students
<b>09/2023</b>	Oversized Cup Pong	Residential Students
<b>09/2023</b>	Extreme Cup Pong	Residential Students
<b>10/2023</b>	Sip Some Cider	Residential Students
<b>11/2023</b>	Impaired Fair	All Students
<b>02/2024</b>	Impact: After The Crash Documentary	All Students
<b>03/2024</b>	Spring Break Safety	All Students
<b>04/2024</b>	Hillbilly Days Safety	All Students

## **SUMMARY OF AOD PROGRAM STRENGTHS AND WEAKNESSES**

Steps for revision might include an expansion of AOD programs that are implemented by the various departments and organizations on the UPIKE campus. Programs that have been developed for the various populations will need to be strategically implemented and focused to cover the content outlined in the comprehensive AOD strategy. In addition, AOD programs that are utilized on campus will need to be tracked to determine the effectiveness of each, so that implementation strategy can be altered to fit the needs of the UPIKE campus.

## **STATEMENT OF CURRENT AOD PROGRAM GOALS AND DISCUSSION OF GOAL ACHIEVEMENT**

The program review primarily pertains to the 2022-2023 and 2023-2024 academic year timelines. In this review, a reduction in both total AOD incident numbers and repeat AOD incident numbers shows that AOD policy dissemination and AOD programming have been effective. A continuation of data collection, program expansions, program assessments, and assignment of program ownership will be addressed in future reviews following Federal Regulations.

The major objective of this review is to conduct a meaningful review of campus-wide components and develop a more strategic, purposeful, and measurable plan for further programs and initiatives. Programs have been in place for the Pikeville campus, but there have been intermittent and decentralized data collection procedures. Factoring in the above, we have outlined our program goals as follows:

## **2022-2024 Goals and Results**

**Goal 1:** Create and promote social, recreational, extracurricular, and public service options that do not include alcohol and other drugs.

**Result 1:** The UPIKE campus had an increase in official social, recreational, and extracurricular activities that did not include alcohol and other drugs as well as promoted education and awareness of the dangers of illicit drug use and alcohol abuse.

**Goal 2:** Conceive, promote, and create a social, academic, and residential environment that supports health-promoting norms.

**Result 2:** The UPIKE campus promoted and supported health-promoting norms through the increase of AOD awareness and educational programs.

**Goal 3:** Develop and enforce campus policies and local, state, and federal laws.

**Result 3:** Campus policies, and local, state, and federal laws were enforced by the Department of Public Safety, the Office of Residence Life, and the Office of Student Conduct.

## **2024-2026 Goals**

**Goal 1:** Provide comprehensive education on the health risks associated with the use of illicit drugs and alcohol abuse. Make information about available prevention, counseling, and treatment resources readily accessible to students.

**Goal 2:** Promote responsible behavior regarding the use of alcohol and other drugs through awareness and education workshops.

**Goal 3:** Assess the effectiveness of AOD programs and policies using data from incident reports to make informed adjustments and improvements to the program.