

As defined in section 40-39-102 of the Tennessee Code, a “sexual offender” means a person who is, or has been, convicted in this state of committing a sexual offense or who is, or has been, convicted in another state or another country, or who is or has been convicted in a federal or military court, of committing an act which would have constituted a sexual offense if it had been committed in this state. A “sexual offense” means the commission of acts including but not limited to aggravated and statutory rape, sexual battery, sexual exploitation of a minor, aggravated prostitution and kidnapping.

Both acts designate certain information concerning a registered sexual offender as public information and therefore amend and supercede the Family Educational Rights and Privacy Act (FERPA) and other federal and state laws that previously prohibited the disclosure of such personal information. Since the laws require the publication of information pertaining to sexual offenders employed, enrolled or volunteering at an educational institution, said publication does not constitute grounds for a grievance or complaint under institutional or Tennessee Board of Regents policies or procedures.

Drug and Alcohol Policy

Policy on Alcohol and Other Illicit Drugs

Austin Peay State University strictly prohibits the use, possession, or distribution of alcohol and other illicit drugs. See APSU Policy: 3:014, 5:051 and Code of Student Conduct.

Philosophy

Austin Peay State University’s fundamental purpose is to produce educated men and women equipped to use their abilities productively and wisely. The curricula and extra-curricular activities of the University are routes to intellectual maturity and means to the development of ideas, insights, values and competencies which form a permanent, personal capacity for thought and action. The University strives to provide an environment for students to construct their own education and to acquire the means of making self-education the rewarding enterprise of a lifetime, enabling them to become effective agents of social change. An environment free of the illegal or abusive use of alcohol or other drugs by members of the academic community encourages this educational development. Therefore, Austin Peay State University is committed to having a campus that is free of alcohol and other drug use.

In keeping with its primary purpose, Austin Peay will utilize educational strategies as its major approach to the problem of alcohol and other drug use. It is important, however, that everyone be aware that any member of the University community who uses illegal drugs or abuses any drug including alcohol may be subject to prosecution and punishment by the civil authorities and to disciplinary proceedings by the University. Austin Peay’s interest in punishing offenders is not punitive but rather to establish clear limits of conduct for all members of the campus community.

This policy does NOT punish people who seek rehabilitation. All information provided by people who voluntarily avail themselves of alcohol or other drug counseling or rehabilitation services will be confidential. It will NOT be used against the individual seeking assistance.

Policy on Substance Abuse

It is the policy of this institution that the unlawful manufacture, distribution, acquisition, possession, or use of alcohol and illegal drugs on the APSU campus, on property owned or controlled by APSU, or as part of any activity of APSU is strictly prohibited.

Austin Peay is dedicated to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end. The highest

standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal or abusive use of alcohol and other drugs by members of the University community adversely affects the mission of the University and is prohibited.

Accordingly, Austin Peay State University adopts the following policy, consistent with federal, state, and local laws. The policy is intended to accomplish the following:

1. Prevent substance abuse through strong educational efforts;
2. Encourage and facilitate the use of counseling services and rehabilitation programs by those members of the University community who require assistance in stopping substance abuse; and,
3. Discipline appropriately those members of the University community who engage in illegal substance-related behaviors.

Educational Efforts to Prevent Substance Abuse

In keeping with its primary mission of education, Austin Peay will conduct a strong educational program aimed at preventing drug abuse and illegal drug or alcohol use. Educational efforts shall be directed toward all members of the University community and will include information about the incompatibility of the use or sale of illegal substances with the goals of APSU, the health hazards associated with illegal drugs or alcohol use, the incompatibility of substance abuse with the maximum achievement of education, career and other personal goals and the potential legal consequences of involvement with illegal drugs or alcohol.

Services to Prevent Substance Abuse

Those faculty, staff, or students who seek assistance with a substance abuse-related problem shall be provided with information about alcohol and other drug counseling and rehabilitation services through APSU and also through community organizations. Those who voluntarily avail themselves of University services shall be assured that applicable professional standards of confidentiality will be observed.

Disciplinary Actions to Prevent Substance Abuse

Students, faculty and staff are responsible, as citizens, for knowing about and complying with the provisions of Tennessee law that make it a crime to possess, sell, deliver or manufacture those drugs designated collectively as “controlled substances” in 39-17-405-39-17-426 of the Tennessee Code Annotated. Any member of the University community who violates those laws is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the University.

It is expected that APSU students, faculty, and staff who use or possess alcoholic beverages will do so as legally prescribed by the laws of the state of Tennessee, within the regulations of Austin Peay State University and live in a manner that does not disrupt the lives of others. A person whose conduct is outside these parameters will be subject to the judicial rules and procedures of the University.

It is not “double jeopardy” for both the civil authorities and the University to proceed against and punish a person for the same specified conduct. The University will initiate its own disciplinary proceeding against a student or employee when the alleged conduct is deemed to affect the interests of the University.

Sanctions will be imposed by the University in accordance with this policy, Staff Handbook, Faculty Handbook, Code of Student Conduct and other appropriate University policies. Students, faculty, and staff members of APSU with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling and prevention services. However, employees and

students availing themselves of these services will not be granted special privileges and exemptions from standard academic and student conduct requirements. Austin Peay will not excuse acts of misconduct committed by employees and students whose judgement is impaired due to substance use.

Employees

(This includes regular and temporary employees, student employees and employees working at the University under the guidelines of federal contract or grant. Compliance with the policy is considered a condition of employment under the terms of the employment.)

As a condition of employment, each employee must abide by the terms of this statement and must notify the director of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Failure to provide this notification within five days after conviction will result in termination of employment. A conviction includes a finding of guilt, a plea of nolo contendere, or imposition of a sentence by any state or federal judicial body.

Possible disciplinary sanctions for failure to comply with this statement, other than notification, may include one or more of the following:

1. termination;
2. suspension;
3. mandatory participation in, and satisfactory completion of, a substance abuse program or rehabilitation program; and,
4. recommendation for professional counseling.

Students

(This shall mean any person who is registered for study at Austin Peay State University for any academic period. A person shall be considered a student during any period that follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period and during any period while the student is under suspension from the University.)

Possible disciplinary sanctions for failure to comply with the terms of this statement may include one or more of the following:

1. expulsion;
2. suspension;
3. probation; and,
4. mandatory educational program.

In addition to the above, students may be required to participate in, and satisfactorily complete, a substance abuse program or rehabilitation program. Finally, in addition to imposed University sanctions, a student may be referred for criminal prosecution.

As a condition for receiving federal Title IV financial aid, each student must certify that he/she will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and must notify the director of Student Financial Aid of any conviction within five days after such conviction. A student convicted of violating the regulation may lose his/her federally funded financial aid and may be subject to disciplinary action under the Code of Student Conduct.