



TO: Florida International University Faculty, Staff, and Students

SUBJECT: Florida International University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy Annual Notification

DATE: September 19, 2016

The Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988 (collectively the “Act”), require that Florida International University (FIU) maintain a program to prevent the use of illicit drugs and abuse of alcohol by students and employees.

INTRODUCTION

Florida International University is proud to be an Alcohol and Drug-Free Campus and Workplace since the spring of 1991. This initiative is intended to promote a safe, productive, and drug-free work and learning environment for our faculty, staff, and students.

Under the Act, FIU is also required to annually distribute the following information about its Drug and Alcohol program to all faculty, staff and students. You should read this notification carefully, which is divided into the following sections:

- I. Standards of Conduct and Sanctions
- II. Legal Statutes, Regulations, Policies and Penalties
- III. Health Risks
- IV. Prevention and Assistance

I. STANDARDS OF CONDUCT AND SANCTIONS

It is important to note that illegal drug use can cause negative health effects impacting the physical, behavioral, and psychological well-being of an individual as well as the surrounding community. In addition, it can also lead to addiction for the user. Illegal drug use and alcohol abuse negatively impact the mission and goals of the University.

Although Florida International University respects the privacy rights of individuals as well as the right of an individual of legal age to partake in the consumption of alcohol, under appropriate circumstances, such rights cannot outweigh the need to maintain a safe working and learning environment.

The following is pertinent information you should be aware of in relations to the University’s drug and alcohol prevention initiative:

1. No person may unlawfully manufacture, distribute, dispense, possess, trade, sell, or offer for sale a Controlled Substance or otherwise engage in the use of Controlled Substance on campus or as part of any University activity;
2. No person may report to classes, work, or related assignments “under the influence” of Controlled Substances or alcohol; and
3. No person may use prescription drugs illegally. The legal use of prescription drugs with known potential to impair personal safety should be reported immediately to any supervisor or an appropriate University representative.

Any violation of this policy shall constitute grounds for:

1. Evaluation and/or referral to treatment for drug/alcohol abuse;
2. Disciplinary action, up to and including termination of employment in accordance with applicable collective bargaining agreements or rules; and/or
3. Criminal sanction.

In furtherance of this initiative, the University shall establish and maintain a [University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Task Force](#) which shall include broad and diverse representation of FIU faculty, staff and students. The Florida International University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Task Force shall be responsible for conducting biennial reviews of the University’s drug-prevention program to:

- a. determine the effectiveness of the drug-prevention program and implement needed changes, if any to the program; and
- b. ensure the consistent enforcement of the disciplinary sanctions imposed on students and employees who violate the required standards of conduct.

The [Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy](#) can be found in the University Policies and Procedures Library.

II. LEGAL STATUTES, REGULATIONS, POLICIES AND PENALTIES

A. ALCOHOL

1. FIU Regulation

All members of the University community (students, faculty, staff, and alumni, and their guests) who purchase, possess, and consume alcoholic beverages on campus must do so responsibly and must have reached the legal age of 21. Students and employees are expected to take personal responsibility for their own conduct when making decisions regarding alcohol use.

The use, possession, or distribution of beverages containing alcohol on University property, including residence halls, is governed by Florida statute and University regulation. The following University regulation applies to all faculty, staff and students of the University, and their guests attending events and activities on University premises:

The term “*University premises*”, as used in this regulation, includes any facility, vessel, vehicle or real estate, whether owned, leased, rented or temporarily assigned, which is managed and operated under the authority of the University or an authorized agent of the University.

No individual under the legal drinking age (minimum of 21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises, unless specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age. No individual may serve or otherwise provide alcohol, for consumption, to individuals under the legal drinking age of 21 years.

Any individual to whom alcohol is sold or served, or who attempts to purchase or consume alcohol on University premises must satisfy the legal age requirement of 21 years, and demonstrate this by showing valid photo identification when asked to do so. Individuals shall not bring alcoholic beverages to any University sponsored event. Individuals shall not leave a University event or event area while carrying or holding any type of container of alcoholic beverage. Individuals shall adhere to all applicable state and local laws related to the sale or consumption of alcohol.

For the complete regulation, please refer to the following link: [FIU-2505 Alcoholic Beverages](#).

2. Florida Alcohol Laws

The following represents a summary of relevant Florida Statutes for alcohol related offenses:

It is unlawful for any person under the age of 21 years, except a person employed under the provisions of Florida Statutes acting in the scope of her or his employment within hotels, restaurants and other licensed establishments, to have in her or his possession alcoholic beverages. ([F.S. §562.111](#))

The prohibition in section 562.111 against the possession of alcoholic beverages does not apply to the tasting of alcoholic beverages by a student who is at least 18 years of age, who is tasting the alcoholic beverages as part of the student's required curriculum at a postsecondary educational institution that is institutionally accredited by an agency recognized by the United States Department of Education and that is licensed or exempt from licensure pursuant to the provisions of chapter 1005 or is a public postsecondary education institution; if the student is enrolled in the college and is tasting the alcoholic beverages only for instructional purposes during classes that are part of such a curriculum; if the student is allowed only to taste, but not consume or imbibe, the alcoholic beverages; and if the alcoholic beverages at all times remain in the possession and control of authorized instructional personnel of the college who are 21 years of age or older.

Any person under the age of 21 who is convicted of a violation of subsection 562.111 is guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a \$500.00 fine. Any person under the age of 21 who has been convicted of a violation of this subsection and who is thereafter convicted of a further violation of this subsection is, upon conviction of the further offense, guilty of a misdemeanor of the first degree, punishable by up to 1 year imprisonment and a \$1,000.00 fine. ([F.S. §775.082](#), [F.S. §775.083](#))

It is unlawful for any person to sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume such beverages on the licensed premises. ([F.S. §562.11](#))

A person who violates subsection 562.11 commits a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a \$500.00 fine. A person who violates this subparagraph a second or subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable by up to 1 year imprisonment and a \$1,000.00 fine. (F.S. §775.082, F.S. §775.083)

It is unlawful for any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any licensee or his or her agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age, or for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages. (F.S. §562.11)

Anyone convicted of violating the provisions of subsection 562.11 is guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a \$500.00 fine. (F.S. §775.082, F.S. §775.083)

No person in the state shall be intoxicated and endanger the safety of another person or property, and no person in the state shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance. ([F.S. §856.011](#))

Any person violating the provisions of this subsection 856.011 shall be guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a \$500.00 fine. (F.S. §775.082, F.S. §775.083)

Any person who shall have been convicted or have forfeited collateral under the provisions of subsection (1) three times in the preceding 12 months shall be deemed a habitual offender and may be committed by the court to an appropriate treatment resource for a period of not more than 60 days. (F.S. §856.011)

A person is guilty of the offense of driving under the influence and is subject to punishment if the person is driving or in actual physical control of a vehicle within this state and the person's normal faculties are impaired with a blood-alcohol level of 0.08 or more, or has a breath-alcohol level of 0.08 or more. ([F.S. §316.193](#))

Any person who is convicted of a violation of subsection 316.193 shall be punished:

1. By a fine of:
 - a. Not less than \$500 or more than \$1,000 for a first conviction.
 - b. Not less than \$1,000 or more than \$2,000 for a second conviction; and
2. By imprisonment for:
 - a. Not more than 6 months for a first conviction.
 - b. Not more than 9 months for a second conviction.

B. DRUGS

1. FIU Drug Policies and Employment Requirements

(a) Drug Testing:

The University shall ensure drug testing on all prospective candidates for law enforcement positions and positions that specifically state this as a condition of employment in the job description, job posting or offer letter.

(b) FIU Requirements for New Hires (Sign-On Package) and for ALL Employees Working on a Federal Contract or Grant:

1. All employees engaged in the performance of a federal contract or grant must, in addition to receiving the annual notification statement, agree to:
 - a. Abide by the terms of the annual notification statement; and

- b. notify the employer of any Criminal Drug Statute Conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 2. Within ten (10) days after receiving notice of any such conviction, Florida International University shall notify the contracting or granting agency. Such notification must:
 - a. Be in writing;
 - b. include the employee’s position title;
 - c. include the identification number of each affected award; and
 - d. be sent to every awarding official or his or her official designee of the Federal agency on whose award the convicted employee was working, unless the Federal agency has specified a central point for the receipt of the notices.
- 3. Within thirty (30) days after receiving notice of any such conviction, the University will impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by, the convicted employee.

2. Florida Drug Laws

Florida Statute [§ 893.13](#) makes it unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision can be liable for the following penalties, depending on the classification and amount of drug involved:

Felony in the first degree	-	Up to 30 years imprisonment and a \$10,000.00 fine
Felony in the second degree	-	Up to 15 years imprisonment and a \$10,000.00 fine
Felony in the third degree	-	Up to 5 years imprisonment and a \$5,000.00 fine
Misdemeanor in the first degree	-	Up to 1 year imprisonment and a \$1,000.00 fine
Misdemeanor in the second degree	-	Up to 60 days imprisonment and a \$500.00 fine
Non-criminal charge	-	Other fines and civil penalties determined by court

Florida statute also prohibits the sale, manufacture, or delivery, or possession with intent to sell, manufacture or deliver, of a Controlled Substance “in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary institution.” A conviction may be punishable by imprisonment for up to 30 years and a \$10,000.00 fine. (F.S. § 893.13(1)(d)).

Special Circumstances:

If a person violates any provision of Section 893.13 and the violation results in a serious injury to a state or local law enforcement officer, firefighter, emergency medical technician, paramedic, employee of a public utility or an electric utility, animal control officer, volunteer firefighter engaged by state or local government, law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee injured during the course and scope of his or her employment, the person commits a felony of the third degree, punishable as provided above. If the injury sustained results in death or great bodily harm, the person commits a felony of the second degree, punishable as provided above. (F.S. § 893.13(6)(a)(d)(10)).

Florida Controlled Substance List and Schedules can be found under [F.S. §893.03](#). Florida “Precursor Chemical” list, which are chemicals that may be used in manufacturing a controlled substance in violation of Florida Statute, can be found under [F.S. §893.033](#).

3. Federal Drug Laws

Types of Federal Drug Crimes

Federal drug laws prohibit the possession, distribution, sale, trafficking, cultivation, and manufacturing of various controlled substances. Prohibited drugs include marijuana, cocaine, methamphetamine, heroin, and a number of narcotic-based drugs such as Oxycodone and Vicodin, and more.

Marijuana Possession and Distribution

- Possession / any amount - Punishable by up to 1 year in prison and a fine of \$1,000 for a first conviction - Further convictions and greater amounts of marijuana result in stiffer penalties
- Sale of less than 50 kilograms (Smallest amount category) - Felony punishable by 5 years in prison and a \$250,000.00 fine

Cocaine and Heroin Possession and Distribution

- Possession of cocaine/heroin - Penalties are more severe than those of Marijuana
- Sale or distribution of cocaine/heroin - Penalty may include a life sentence

Factors that are considered when an individual is being charged with a drug crime such as possession or distribution of heroin or cocaine, include the quantity of drug involved, the prior criminal history of the defendant, the use or possession of weapons by the defendant, and whether minors were involved.

Drug Trafficking

- Transporting controlled substances (Over state-line or country's border) - Considered federal drug trafficking, a crime for which the penalties are severe - The death penalty is a possible punishment for drug "kingpins"¹

Penalties for Federal Drug Crimes

Under the Federal Sentencing Guidelines, the penalties for federal drug crimes are mandatory; the judge does not have any discretion to give lighter sentences. Additionally, the federal system provides only limited opportunities for probation following a conviction on a drug crime. There is also no parole in the federal justice system.

Anyone charged with a Federal and State drug charge should be aware that the United States Supreme Court has ruled that a defendant does not face double jeopardy if he or she is convicted of certain drug offenses and

¹ The Continuing Criminal Enterprise Statute, commonly referred to as the CCE Statute or "The Kingpin Statute," is a United States federal law that targets large-scale drug traffickers who are responsible for long-term and elaborate drug conspiracies. (Chapter 13 of [Title 21 of the United States Code, 21 U.S.C. § 848](#))

can be charged in both state and federal courts for the same act using all the prosecution powers of the two entities.

A comprehensive review of illicit drugs, including the history of the drug, its uses, short and long term effects, penalties for use, and pertinent legislation can be found under:

<http://www.usdoj.gov/dea/concern/concern.htm>

A comprehensive review of federal penalties for drug trafficking can be found under:

<http://www.usdoj.gov/dea/agency/penalties.htm>

III. HEALTH RISKS

A. ALCOHOL

Beer, wine, liquor

Alcohol is a depressant which leads to the loss of control over judgment, resulting in a loss of inhibitions. It affects physical coordination, causing blurred vision, slurred speech and loss of balance. Alcohol is involved in a large proportion of fatal road accidents, assaults and incidents of domestic violence.

Excessive drinking over time is associated with the following health problems and conditions:

Brain: Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart: Consuming a large amount over a long period of time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – Stretching and drooping of heart muscle
- Arrhythmias – Irregular heart beat
- Stroke
- High blood pressure

Liver: Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis, or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

Pancreas: Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer: Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

- Mouth
- Esophagus
- Throat
- Liver
- Breast

Immune System: Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

Binge Drinking

Most adverse health effects from underage drinking stem from acute intoxication resulting from binge drinking. Immediate health effects of binge drinking may include:

Alcohol poisoning – A high level of alcohol consumption within a short span of time which results in the suppression of the central nervous system and causes loss of consciousness, low blood pressure and body temperature, coma, respiratory depression and death.

Risky sexual behaviors and increased risk of sexual assault. These behaviors can result in unintended pregnancy or sexually transmitted diseases. Violence, including intimate partner violence and child maltreatment.

[Source: U.S. Department of Health and Human Services]

B. DRUGS

Substance Category & Name

(Examples of Commercial & Street Names)

Possible Effects / Potential Health Consequences

Anabolic Steroids:

Testosterone

Depo Testosterone, Sustanon, Sten, Cypt

Other Anabolic Steroids

Parabolan, Winstrol, Equipose, Anadrol, Dianabol, Primabolin-Depo, D-Ball

Virilization, edema, testicular atrophy, gyneco-mastia, acne, aggressive behavior / Physical and internal damage, addiction, possible suicide

Cannabis:

Marijuana

Pot, Grass, Sinsemilla, Blunts, Mota, Yerba, Grifa

Tetrahydro-cannabinol

THC, Marinol

Hashish and Hashish Oil

Hash, Hash oil

Euphoria, relaxed inhibitions, increased appetite, disorientation / Fatigue, paranoia, possible psychosis

Depressants:

Gamma Hydroxybutyric Acid

GHB, Liquid Ecstasy, Liquid X, Sodium Oxybate, Xyrem®

Benzodiazepines

Valium, Xanax, Halcion, Ativan, Restoril, Rohypnol (Roofies, R-2), Klonopin

Other Depressants

Ambien, Sonata, Meprobamate, Chloral Hydrate, Barbiturates, Methaqualone (Quaalude)

Slurred speech, disorientation, drunken behavior without odor of alcohol, impaired memory of events, interacts with alcohol / Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death

Hallucinogens:

MDMA and Analogs

(Ecstasy, XTC, Adam), MDA (Love Drug), MDEA (Eve), MBDB

Heightened senses, teeth grinding and dehydration / Increased body temperature, Electrolyte imbalance, cardiac arrest

LSD

Acid, Microdot, Sunshine, Boomers

Illusions and hallucinations, altered perception of time and distance / Longer, more intense "trip" episodes

Phencyclidine and Analogs

Angel Dust, Hog, Loveboat, Ketamine (Special K), PCE, PCPy, TCP

Illusions and hallucinations, altered perception of time and distance / Unable to direct movement, feel pain, or remember

Other Hallucinogens

Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayahuasca, DMT, Dextromethorphan (DXM)

Inhalants:

Amyl and Butyl Nitrite

Pearls, Poppers, Rush, Locker Room

Flushing, hypotension, headache / Methemoglobinemia

Nitrous Oxide

Laughing gas, balloons, Whippets

Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage / Vomiting, respiratory depression, loss of consciousness, possible death

Other Inhalants

Adhesives, spray paint, hair spray, dry cleaning fluid, spot remover, lighter fluid

Narcotics:

Heroin

Diamorphine, Horse, Smack, Black tar, Chiva, Negra (black tar)

Euphoria, drowsiness, respiratory depression, constricted pupils, nausea / Slow and shallow breathing, clammy skin, convulsions, coma, possible death

Morphine

MS-Contin, Roxanol, Oramorph SR, MSIR

Hydrocodone

Hydrocodone w/ Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab

Hydro-morphone

Dilaudid

Oxycodone

Roxicet, Oxycodone w/ Acetaminophen, OxyContin, Endocet, Percocet, Percodan

Codeine

Acetaminophen, Guaifenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/Codeine

Other Narcotics

Fentanyl, Demerol, Methadone, Darvon,

Stadol, Talwin, Paregoric, Buprenex

Stimulants:

Cocaine

Coke, Flake, Snow, Crack, *Coca*,
Blanca, *Perico*, *Nieve*, Soda

Amphetamine/Meth-amphetamine

Crank, Ice, Cristal, Krystal Meth, Speed,
Adderall, Dexedrine, Desoxyn

Methylphenidate

Ritalin (Illy's), Concerta, Focalin, Metadate

Other Stimulants

Adipex P, Ionamin, Prelu-2, Didrex, Provigil

*Increased alertness, excitation, euphoria,
increased pulse rate & blood pressure,
insomnia, loss of appetite / Agitation, increased
body temperature, hallucinations, convulsions,
possible death*

Nicotine

Cigarettes, cigars, smokeless tobacco,
snuff, spit tobacco, chew

*Effects attributable to tobacco exposure includes
adverse pregnancy outcomes, chronic lung disease,
cardiovascular disease, stroke, cancer, tolerance, addiction*

[Source: U.S. Department of Justice's Drug Enforcement Administration]

Description of drugs and effects can be found in the [DEA Drug Fact Sheets](#).

IV. PREVENTION AND ASSISTANCE

Resources:

[Human Resources](#)

(305) 348-2181 Modesto Maidique Campus (MMC)

(305) 919-5545 Biscayne Bay Campus (BBC)

[Counseling and Psychological Services \(CAPS\)](#)

(305) 348-2434 Modesto Maidique Campus (MMC)

(305) 919-5305 Biscayne Bay Campus (BBC)

Services and programs are offered by Counseling and Psychological Services (CAPS) staff, with expertise in dealing with student concerns and development. Their goal is to provide professional care to each student in a culturally sensitive environment. Students who are currently registered at Florida International University are eligible to utilize these services and participate in the programs.

[Office of Employee Assistance \(OEA\)](#)

(305) 348-2469 MMC & BBC

The Office of Employee Assistance is the faculty/staff employee assistance program of Florida International University. The OEA provides confidential professional assistance, without charge, to help employees and their families resolve personal problems that affect their personal lives or job performance.

Student Health Services (SHS)

(305) 348-2401

BBC

Clinical Services (HCC): (305) 919-5620

Wellness Center (WUC): (305) 919-5307

Student Health Services (SHS) provides affordable and accessible student-focused medical care and promotes healthy lifestyles through education, mentorship, and research activities thus facilitating the academic success of our students. SHS provides professional, accessible, and cost-effective primary care services to registered students at FIU -- with an emphasis on health education, prevention and self-care

Community Resources:

Switchboard of Miami

(305) 358-4357

Switchboard of Miami, Inc. established in 1968, is a private, nonprofit organization that counsels, connects and empowers people in need. Through our suicide prevention programs, information and referral contact center, and crisis counseling and wellness services, Switchboard serves as both a first point of assistance and a last resource for people in need.

Alcoholics Anonymous:

Coral Gables

Miami-Dade Intergroup

24 Hr. Answering Svc: (305)461-2425

Website: www.aamiamidade.org

Fort Lauderdale:

Broward County A.A. Intergroup

Main: (954)462-0265

24 Hr. Answering Svc: (954)462-7202

Site: www.aabroward.org

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is the desire to stop drinking. There are no dues or fees for A.A. membership.

Narcotics Anonymous:

Helplines:

South Dade Area: 305-265-9555

North Dade Area: 1-866-935-8811

Beach and Bay Area: 305-628-8205

South Florida Region: 1-866-288-NAN

Website: <http://www.namiami.org/>

Meetings: <http://www.namiami.org/meetings/>

Narcotics Anonymous is a nonprofit fellowship or society of men and women for whom drugs had become a major problem. The program is for recovering addicts who meet regularly to help each other stay clean. This is a

program of complete abstinence from all drugs. There is only one requirement for membership, the desire to stop using.

[The Florida Alcohol and Drug Abuse Association \(FADAA\)](#)

(850) 878-2196

The Florida Alcohol and Drug Abuse Association, incorporated in 1981, is a non-profit membership association representing over 100 of Florida's premiere community-based substance abuse and co-occurring treatment and prevention agencies, managing entities, community anti-drug coalitions and over 3,000 individual members. The mission of FADAA is to represent its members in advancing addiction treatment, prevention and research through public policy leadership, communications, professional development and quality member services.