



University Community (faculty, staff, and students)

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
DRUG-FREE CAMPUS/WORKPLACE DRUG AND ALCOHOL ABUSE PREVENTION POLICY	1991	1705.002

POLICY STATEMENT (R*)

The unlawful manufacture, distribution, dispensation, possession, use, trade, or sale of a Controlled Substance or alcohol by any Florida International University student or employee on Campus or at any University sponsored or related activity threatens the well-being and health of the University community. Although Florida International University respects an individual’s rights, such rights cannot outweigh the need to maintain a safe, productive, and drug-free work and educational environment. Therefore:

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 Substances on Campus;*
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 to supervisors or an appropriate University representative.

Any violation of this policy by a University student or employee shall constitute grounds for:

1. evaluation and/or referral to treatment for drug/alcohol abuse;
2. disciplinary action; and/or
 - a. For students, disciplinary action may include mandatory referral to the University Counseling and Psychological Services for alcohol/drug dependence, letters of reprimand, or other disciplinary procedures, up to and including expulsion from the University. Such actions shall be in accordance with the applicable “Standards of Student Conduct” and University policies and procedures.
 - b. For employees, disciplinary action may include mandatory referral to the Office of Employee Assistance (OEA) for assessment, letters of reprimand, and progressive disciplinary procedures, up to and including termination of employment.
3. criminal sanction.

* Florida law 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.” Fla. Stat. § 893.13(1)(d). Violators face up to 30 years in prison.

REASON FOR POLICY (O*)

To ensure the well-being of Florida International University students and employees and comply with appropriate Federal laws regarding the use and sale of Controlled Substances and alcohol.

RELATED INFORMATION (O*)

Drug-Free Workplace, 41 U.S.C.A. §§ 701-707 (2010).
 Drug and Alcohol Abuse Prevention, 34 C.F.R. Part 86 (2010).
 Drug Abuse Prevention and Control: Prohibited Acts; Penalties, Fla. Stat. § 893.13(1)(d).
 Florida International University Regulations FIU-2505: Alcoholic Beverages.

DEFINITIONS (R*)

“Campus” means any building or property owned or controlled by Florida International University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the

University's educational purposes (including residence halls) and property within the same reasonably contiguous geographic area of the University that is owned by the University but controlled by another person, is used by students, and supports the University's purposes (such as food or other retail vendor). At Florida International University, as of the effective date of this policy, "Campuses" include, without limitation, the Modesto A. Maidique Campus, the Biscayne Bay Campus, the Engineering Center, the Metropolitan Center, FIU Downtown on Brickell, the FIU Broward – Pines Center, the Wolfsonian- FIU, and the College of Architecture and the Arts on Lincoln Road.

"Controlled Substance" means a controlled substance in schedules I through V of 21 U.S.C. § 812. See also Fla. Stat. s 893.03.

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Criminal Drug Statutes.

"Criminal Drug Statutes" mean criminal statutes involving manufacture, distribution, dispensation, use, or possession of any Controlled Substance.

"Drug-free Workplace" means a site for the performance of work done in connection with a specific federal grant or contract of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

PROCEDURES (O*)

1. DRUG-PREVENTION PROGRAM

Florida International University shall establish a drug-prevention program to inform students and employees about:

- a. the dangers of drug abuse on Campus and the workplace;
- b. the University's policy on maintaining a drug-free Campus and workplace;
- c. any available drug counseling, rehabilitation, and assistance programs; and
- d. the penalties that may be imposed for drug abuse violations.

2. ANNUAL NOTIFICATION

Florida International University shall publish annually a statement (hereinafter, "annual notification statement") which notifies all employees and students that:

- a. standards of conduct prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a Controlled Substance and alcohol on Campus or as part of any University activity;
- b. specifies the actions that will be taken against those who violate such standards of conduct;
- c. includes a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of Controlled Substances and alcohol;
- d. describes the health risks associated with the use of Controlled Substances and the abuse of alcohol;
- e. describes any available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs; and
- f. the University will impose disciplinary sanctions (which may include the completion of an appropriate rehabilitation program) on students and employees, consistent with local, State, and Federal law, and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the required standards of conduct.

3. REQUIREMENTS FOR EMPLOYEES WORKING ON A FEDERAL CONTRACT OR GRANT

- a. All employees engaged in the performance of a federal contract or grant must, in addition to receiving the annual notification statement, agree to:
 - i. abide by the terms of the annual notification statement; and
 - ii. 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.
- b. Within ten (10) days after receiving notice of any such conviction, Florida International University shall notify the contracting or granting agency. Such notification must:
 - i. be in writing;
 - ii. include the employee's position title;
 - iii. include the identification number of each affected award; and
 - iv. 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.
 c. 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.

4. **BIENNIAL REVIEW**

Florida International University shall establish and maintain a University Drug-Free and Alcohol Abuse Prevention Task Force (“Task Force”) which shall include broad and diverse representation of FIU faculty, staff and students. The 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.

As part of the biennial review, the Task Force will disclose:

- a. the number of drug and alcohol related violations and fatalities that occur on the University’s Campus or as part of any of the institutions activities and are reported to campus officials; and
- b. the number and type of sanctions imposed by the institution as a result of drug and alcohol related violations and fatalities.

5. **DISCLOSURE OF POLICY**

Florida International University shall make available to the U.S. Department of Education and the public a copy of the annual notification statement described herein and the results of the biennial review of the University’s drug-prevention program. These along with any other records reasonably related to the University’s compliance with the drug prevention program certification will be maintained for three (3) years after the fiscal year in which the records were created.

HISTORY (R*)

Effective Date: Spring 1991; Revision Date: July 12, 2012.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Human Resources
 Division of Student Affairs

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Employee and Labor Relations
 Florida International University
 11200 S.W. Eighth Street - PC 236
 Miami, Florida 33199
 Telephone: (305) 348-2079
 and
 Division of Student Affairs
 11200 S.W. Eighth Street - GC 219
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***R = Required *O = Optional**