



# UNIVERSITY OF RICHMOND

## Policy Manual

<b>Policy #:</b>	STU-1002	<b>Policy Title:</b>	Alcohol and Drug Policy
<b>Effective:</b>	August 1, 2018	<b>Responsible Office:</b>	Compliance & Title IX
<b>Date Approved:</b>	July 31, 2018	<b>Approval:</b>	Deputy Title IX Coordinator for Students & Substance Abuse Education & Prevention Coordinator and VP Student Development & Student Affairs
<b>Replaces Policy Dated:</b>	October 10, 2017	<b>Responsible University Official:</b>	Deputy Title IX Coordinator for Students & Substance Abuse Education and Prevention Coordinator

### PURPOSE:

In accordance with the Drug Free Schools and Communities Act and its implementing regulations, the University of Richmond is required to communicate the following information regarding unlawful possession, use or distribution of alcohol and illicit drugs to its students and employees. The purpose of this policy is to protect the health, safety and welfare of the members of the University community and the public served by the University.

The University strives to achieve a healthy living, learning and work environment. The unlawful manufacture, dispensing, possession, use or distribution of alcohol or illicit drugs by students or employees on University property is prohibited.

The University of Richmond supports an environment free from retaliation. Retaliation against any student or employee for bringing forth a good faith concern or participating in an investigation is prohibited.

### SCOPE:

This policy applies to all events sponsored by faculty, staff, students and third-party users of University facilities where alcoholic beverages are served.

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## **POLICY STATEMENT:**

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### *1002.1 – Policy & Rules*

The University of Richmond does not condone the illegal or otherwise irresponsible use of alcohol. In accordance with federal and state law, the University prohibits the unlawful possession, sale, use or distribution of alcohol on University property. The University of Richmond Police Department has the primary responsibility for the enforcement of state and federal laws pertaining to alcohol and drugs.

All members of the University community and third-party users of University facilities are responsible for knowing and acting in accordance with the applicable laws and University policy concerning the purchase, possession, consumption, sale and storage of alcoholic beverages.

#### **Rules for Individuals:**

1. The use of alcoholic beverages on campus shall be in compliance with federal, state, and local laws and University policy.
2. Alcoholic beverages shall not be consumed by, possessed by, sold to, or given to persons under 21 years of age, which is the legal age to consume and possess alcohol.
3. State law prohibits, among other conduct, drinking in public spaces that are not covered by an Alcohol Beverage Commission (ABC) license; possession of an alcoholic beverage by a person under the legal drinking age; falsely representing one's age for the purposes of procuring alcohol; and purchasing alcohol for a person who is under the legal drinking age.
4. All persons on University property consuming or possessing alcohol must carry a valid driver's licenses or state identification card, military ID card or passport. Students are expected to have their University of Richmond ID and another form of legal age identification documentation in their personal possession. A University official, staff member or designee may request to see age identification from the student if it is suspected that the student is under the legal drinking age or is in the process of or has committed an alcohol policy violation. Students that fail to show the required identification may be charged with a violation of the Standards of Student Conduct.
5. Any individual will be considered in possession of alcohol if the alcohol can be reasonably associated with them. Examples of association include, but are not limited to, the following: any alcohol found within a resident's room or apartment, any alcohol being carried or transported by an individual, and any open container of alcohol resting near an individual.

## **Rules for Organizations, Departments and Approved Campus Guests:**

1. All events must comply with the University of Richmond’s Alcohol & Drug Policy and Virginia ABC laws and regulations.
2. University residence halls and student apartments shall not be used for organization/departmental events with alcohol.
3. The consumption of alcoholic beverages in a designated campus area is limited to approved functions sponsored by recognized organizations/departments of the University of Richmond or approved third party users of University facilities. These events shall be open only to members of the sponsoring organization/department or approved third-party users of University facilities and their personally invited guests.
4. All University of Richmond organizations/departments sponsoring off-campus functions at which alcoholic beverages are served, are expected to act as representatives of the campus community and to respect the University’s valuation of personal responsibility and accountability. Although the University cannot monitor the environment external to the University campus, student organizations, departments or individuals may be held responsible for their actions off campus.

### *1002.2 – Annual Notification*

The University will disseminate the Alcohol & Drug Policy to all students and employees on a semiannual basis. A notification email will be sent in January and September after the “add/drop” period for classes.

### *1002.3 – Alcohol Use on Campus*

#### **Approved Locations:**

The consumption of alcoholic beverages at registered or approved events is limited to approved locations on campus. All other areas of the campus are considered public areas where the use of alcohol is prohibited.

For a complete list of approved locations, please visit:

<https://events.richmond.edu/events/policies/alcohol/approved-location.html>

***NOTE:** All event and location reservations will be reviewed to ensure that the facility, as well as type of food and beverage being served, is appropriate. Outdoor locations must be clearly defined by an existing barrier or by an approved temporary barrier. Rain locations must also be identified at the time of reservation as this information is required by Virginia ABC. For more information, please visit: <https://events.richmond.edu/events/policies/alcohol/index.htm>.*

#### **Public Consumption:**

Virginia law prohibits the consumption of alcoholic beverages, whether in primary or secondary containers, in public areas. Virginia Code § 4.1-100 defines a public areas as any place, building or conveyance where the public has access or is permitted to have access. Examples include, but are not limited to, hallways/corridors, lounge areas and sidewalks. Alcohol use on campus is restricted to approved locations, as defined above, and residence hall rooms, Gateway Apartments or University Forest Apartments. The University does not permit transportation of alcoholic beverages in open primary or secondary containers outside of these areas.

## **Alcoholic Beverage Deliveries**

Third-party vendors are prohibited from delivering alcoholic beverages to the University of Richmond campus for personal consumption or for consumption at student events for which an ABC license has not been secured.

## **Advertising**

Any publication, advertisement or announcement of any University-sponsored event distributed or intended to be distributed to persons under 21 years of age must not mention or depict alcoholic beverages. Distribution of any publication, advertisement or announcement that mentions or depicts alcoholic beverages must be limited to persons 21 years of age or older and such publication, advertisement or announcement must state that proof of age will be required to consume alcohol.

### *1002.4 – Registration Policy and Deadlines*

#### *Student Events*

Students who wish to host an event in their residence hall or apartment should do so in accordance with the event registration process established by Residence Life & Undergraduate Student Housing. Students interested in registering an event in their residence, should review the following:

<https://residencelife.richmond.edu/residence-life/Community/event-registration.html>.

#### *Greek Life*

Greek organizations holding events with alcohol must register events ten days in advance with the Center for Student Involvement. For more information on Greek life event and risk management policies, please visit:

<https://involved.richmond.edu/greek-life/resources/policies-procedures.html>.

#### *Official University Events and Third-Party Use of University Facilities*

Any event held in a University facility where alcoholic beverages are present or consumed must be registered and approved at least 10 working days in advance by University Events, Conferences and Support Services. Events that utilize the University of Richmond's Dining Services ABC license must be coordinated with University Dining Services a minimum of five days prior to the scheduled event. These timelines are provided by Virginia ABC and are subject to change. For more information on scheduling an event on campus with alcohol, please visit: <https://events.richmond.edu/events/policies/alcohol/index.html>.

## **ABC Temporary License**

Virginia law, and/or the University, may require an event, at which alcohol is served, to be licensed by the Virginia ABC. For events catered by University Dining Services, Dining Services will handle all legally required notification to the Virginia ABC.

For events not catered by University Dining Services, the sponsoring organization/department or approved third party users may be required to obtain a temporary ABC license. It is the responsibility of the sponsoring organization/department or approved third party users to obtain a temporary ABC license. To obtain an ABC license, please visit: <https://www.abc.virginia.gov/licenses/get-a-license/banquet>.

### *1002.5—Drug Policy*

The illegal manufacture, distribution, possession or use of drugs, narcotics, pharmaceuticals and drug paraphernalia is prohibited by state and federal law and punishable by severe penalties. The University does

not tolerate or condone such conduct. Students and employees who violate state and federal law may be referred to law enforcement authorities for criminal prosecution and, if convicted, may be subject to the penalties described herein. The University of Richmond Police Department has primary responsibility for the enforcement of state and federal drug laws. Such conduct may also result in sanctions imposed pursuant to University policies, including the Standards of Student Conduct.

The use of, or addiction to, alcohol or other drugs is not considered an excuse for violations of applicable law and University policies, and will not be a mitigating factor in the determination of appropriate disciplinary sanctions for such violations.

### **Drug Free Workplace Policy**

The University is a drug-free workplace. The University does not tolerate the unlawful manufacture, dispensing, possession, use, or distribution of illicit drugs and/or alcohol by employees on the University's property, or as part of its activities. Individual departments, due to the nature of their work, may have more stringent policies concerning prescription drugs.

The University of Richmond does not conduct random drug or alcohol testing, but does reserve the right to test for drugs and/or alcohol for cause. Should the University have a reasonable suspicion that an employee is under the influence of illicit drugs or alcohol or if the employee is in an accident causing damage to University property, the employee may be required to submit to drug/alcohol testing and/or mandatory referral into a substance misuse assistance or rehabilitation program. Refusal by an employee to comply with the applicable requirements may be grounds for immediate dismissal from employment.

### **Intercollegiate Athletics Alcohol & Drug Policy**

The University of Richmond Athletic Department has additional written policies that are presented to each student-athlete annually prior to participation. These policies encompass mandatory drug testing, sanctions as a result of positive drug tests, programs of education relative to drug and alcohol use, misuse and counseling.

#### *1002.6 – Sanctions & Penalties*

Legal sanctions under state and federal law for the unlawful possession, use or distribution of alcohol or illicit drugs are applicable to students, faculty, staff, guests and third-party users of University facilities.

Any student or employee who violates this policy is subject to disciplinary action up to and including termination of employment, expulsion from the University or referral for prosecution. Additionally, a student or employee may be referred to an appropriate evaluation or rehabilitation program.

### **Student Sanctions – Alcohol**

Whether or not criminal charges are brought, all students are subject to the University's discipline for any violation of alcohol laws that occur on University property. Any student found to have engaged in such conduct is subject to the entire range of sanctions, including suspension and expulsion. One incident can contain more than one policy violation.

Students charged in accordance with the Standards of Student Conduct for alcohol violations and found responsible will be issued sanctions using the following guidelines:

**First Offenses** result in a minimum of being placed on disciplinary warning and referral to an alcohol education program. The fines for the offenses vary as described below.

<i>Offense</i>	<i>Fine</i>
• Underage student found consuming and/or possessing alcohol within a residence hall room or apartment	\$50.00
• Student of legal age found consuming and/or possessing alcohol in a public area	\$50.00
• Student under the legal drinking age found consuming and/or possessing alcohol in a public area	\$100.00

*All Second & Subsequent Offenses* result in more severe sanctions, which are determined by the conduct officer or Student Conduct Board.

Any student that renders aid to a student needing emergency medical care or receives emergency medical assistance is covered by the Safe Spiders Protocol provided they adhere to the conditions outlined. A copy of the Safe Spiders Protocol can be found at: <https://studentdevelopment.richmond.edu/student-handbook/SafeSpidersProtocol-07-2018.pdf>.

### *Sanctions for Registered Events with Alcohol*

1. *First offense* of event regulations results in minimally being placed on disciplinary warning, fine, possible referral to an alcohol education program and in loss of event privileges for a minimum of two months for all residents for events with at least one violation, four months for those events with at least two violations, and six months for events with at least three violations.
2. *Subsequent offenses* will result in more severe sanctions, which are at the discretion of the Conduct Officer or Student Conduct Board. Sanctions may include continued disciplinary warnings, fines, and loss of event privileges. Repeated violations could result in eviction from campus.

### *Sanctions for Unregistered Events with Alcohol*

1. *First Offense:* Disciplinary warning, \$50.00 fine, referral to an alcohol education program and loss of event privileges for three months.
2. *Second Offense:* Housing probation, \$100.00 fine, referral to an alcohol education program, loss of event with alcohol privileges for six months, and possible housing eviction.
3. *Third Offense:* Eviction from University housing and possible suspension from the University.

### *Noise Complaints – Registered Event with Alcohol*

1. *First Warning:* Resident will be asked to reduce their noise.
2. *Second Warning:* Continuing noise at a registered event will result in termination of the event, documentation for non-compliance, and sanctions.

### *Other Violations & Sanctions*

1. Students who lie about their involvement in an alcohol related incident will be referred to the conduct process.
2. Students who give falsified information (i.e. false names or ID cards) will be referred to the conduct process.

## **Sanctions for violations at The Cellar**

### Minor Degree

1. Public drunkenness. Minimum of three sanctions must be issued:
  - a. Minimum of \$100 fine
  - b. Maximum of 25 community service hours
  - c. Alcohol education
  - d. Other sanction deemed appropriate

### Intermediate Degree

1. Misuse of University of Richmond identification. Mandatory sanctions must be issued:
  - a. Probation (length to be determined by the appropriate body)
  - b. Minimum of \$200 fine
  - c. Minimum of 50 community service hoursMinimum of one of the three sanctions must be issued:
  - d. Suspension
  - e. Alcohol education
  - f. Other sanction deemed appropriate
2. Misuse of non-University of Richmond identification. Mandatory sanctions must be issued:
  - a. Probation (length to be determined by the appropriate body)
  - b. Minimum of \$200 fine
  - c. Minimum of 50 community service hoursMinimum of one of the three sanctions must be issued:
  - d. Suspension
  - e. Alcohol education
  - f. Other sanction deemed appropriate
3. Minor in possession of an alcohol identification bracelet. Mandatory sanctions must be issued:
  - a. Probation (length to be determined by the appropriate body)
  - b. Minimum of \$200 fine
  - c. Minimum of 50 community service hoursMinimum of one of the three sanctions must be issued:
  - d. Suspension
  - e. Alcohol education
  - f. Other sanction deemed appropriate

4. Possession and/or consumption of alcohol by a University of Richmond student who is a minor. Mandatory sanctions must be issued:
  - a. Probation (length to be determined by the appropriate body)
  - b. Minimum of \$200 fine
  - c. Minimum of 50 community service hoursMinimum of one of the three sanctions must be issued:
  - d. Suspension
  - e. Alcohol education
  - f. Other sanction deemed appropriate
5. University of Richmond student providing a minor with alcohol and/or an alcohol identification bracelet. Mandatory sanctions must be issued:
  - a. Probation (length to be determined by the appropriate body)
  - b. Minimum of \$200 fine
  - c. Minimum of 50 community service hoursMinimum of one of the three sanctions must be issued:
  - d. Suspension
  - e. Alcohol education
  - f. Other sanction deemed appropriate

### Major Degree

1. Second offense for any violation. Mandatory sanctions must be issued:
  - a. Minimum of \$200 fine
  - b. Probation (length to be determined by the appropriate body)
  - c. Minimum of 75 community service hours
  - d. Alcohol educationMinimum of one of the three sanctions must be issued:
  - e. Suspension
  - f. Separation
  - g. Other sanction deemed appropriate

### **Student Sanctions – Drugs**

The unlawful manufacture, distribution and possession of controlled substances (illegal drugs and paraphernalia) are prohibited by both state and federal law and are punishable by severe penalties. The University prohibits such conduct. Violation of this standard will be considered a serious offense. Students who violate state or federal laws may be referred to local law enforcement authorities for prosecution.



1. All offenses result in a minimum of conduct and/or residence probation and referral to substance misuse education.
2. Subsequent offenses result in more severe sanctions which are to be decided upon by the Conduct Officer or Student Conduct Board to allow the flexibility needed in considering the particular circumstances of each individual case.
3. Examples of offenses and sanctions:

<b>Use of Marijuana for consumption</b>	<b>-First Offense:</b> \$50.00 fine and minimum 6 month conduct/residence probation <b>-Second Offense:</b> Fine doubles, sanction also include community restitution and a minimum 1 year conduct/residence probation (if still in original sanction time, 1 year is added to the original 6 months)
<b>Distribution of Marijuana (accommodation)</b>	\$100 fine and minimum 1 year conduct probation / residence probation through graduation
<b>Distribution of Marijuana (profit)</b>	Subject to suspension
<b>Use of possession of other illegal drugs:</b>	Subject to suspension
<b>Distribution of other illegal drugs</b>	Subject to suspension

## Employee Sanctions – Alcohol & Drugs

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by employees on University property, or while conducting business on behalf of the University off campus, is prohibited. Violations of this prohibition by employees may result in the imposition of sanctions under applicable University policies up to an including termination of employment. The severity of the disciplinary action for violations of this policy shall be determined on a case-by-case basis. Additionally, employees may be referred to an appropriate substance misuse assistance or rehabilitation program.

## Federal & Commonwealth of Virginia Penalties

In addition to University standards and sanctions for alcohol and drugs, members of the campus community are also required to abide by federal and state laws governing consumption, sale or possession of alcohol and drugs.

Federal and Virginia law penalize the unlawful possession, sale, use or distribution of alcohol. Penalties vary based on many factors including specific charges (i.e. misdemeanor or felony). Misdemeanor penalties may include confinement in jail for up to twelve months and/or fines up to \$2500. Felony penalties may include a term of imprisonment from one to five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for no more than 12 months and a fine of no more than \$2,500, either or both.

Federal and Virginia law penalizes the unlawful manufacturing, distribution, use and possession of controlled substances, including prescription drugs. Synthetic designer drugs, such as bath salts, contain mixtures of many different chemicals, including those that resemble cocaine, methamphetamines, and MDMA. Federal law makes the distribution of “analogue” substances marketed for human consumption illegal if those substances are chemically similar to scheduled illegal drugs and have the same pharmacological effects on the user.

The penalties vary based on many factors, including the type and amount of drug involved and whether there is intent to distribute. Federal law holds that any person who distributes possesses with intent to distribute, or manufactures a controlled substance within one thousand feet of an educational facility is subject to doubling of the applicable maximum punishments and fines. A similar Virginia law carries sanctions between one and five year’s imprisonment and up to a \$100,000 fine for similar violations.

### *1002.7 – Resources*

The University of Richmond offers prevention education, intervention and support for minimizing and addressing concerns related to alcohol and other drugs.

#### ***The following on-campus resources are available to students:***

Counseling & Psychological Services	804-289-8119
Health Promotion	804-289-8581
Law School Dean’s Office	804-289-8740
Richmond College Dean’s Office	804-289-8061
Sports Medicine (student athletes only)	804-289-8928
Student Health Center	804-289-8064
Substance Abuse Education & Prevention Coordinator	804-289-8464
University of Richmond Police Department	804-289-8715
Westhampton College Dean’s Office	804-289-8468

#### ***The following resource is available to Faculty & Staff:***

Cigna Employee Assistance Program	877-622-4327
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#### ***Community resources are also available to all members of the University community:***

Al-Anon	804-569-5155	<a href="http://alanonrichmond.org/">http://alanonrichmond.org/</a>
Alcoholics Anonymous	804-355-1212	<a href="https://www.aarichmond.org/index.php">https://www.aarichmond.org/index.php</a>
Narcotics Anonymous	800-407-7195	<a href="https://www.narcotics.com/">https://www.narcotics.com/</a>
RVA Narcotics Anonymous	804-965-1871	<a href="https://rvana.org/">https://rvana.org/</a>

Family Counseling Center for      804-354-1996  
Recovery (FCCR)

<https://fCCR-vA.com/>

## *1002.8 – Virginia Laws Governing Alcohol & Drugs*

### **Alcohol**

The minimum legal age for the possession and consumption of alcoholic beverages in Virginia is **21**.

#### **Underage alcohol consumption/possession is a Class 1 misdemeanor**

- **Mandatory** driver's license suspension – 6-month minimum (1-year max.)
- \$500 fine or 50 hours of community service
- Possible jail sentence: up to 1 year

#### **Drinking alcohol in a public place/public intoxication is a Class 4 misdemeanor**

- Possible fine up to \$250
- Possible 1 day jail sentence

#### **Purchasing, Giving, Providing or Assisting in Providing Alcohol to Person under 21 is a Class 1 misdemeanor**

- Mandatory driver's license suspension -6-month minimum (1-year max.)
- Mandatory minimum \$500 fine (max. of \$2500 or 50 hours of community service)
- Possible jail sentence up to one year
- Any alcohol purchased is contraband and subject to forfeit

#### **Using a fake ID to buy alcohol**

- Mandatory driver's license suspension -6-month minimum (1-year max.)
- Mandatory minimum \$500 fine (max. of \$2500 or 50 hours of community service)
- Possible jail sentence up to one year
- Any alcohol purchased is contraband and subject to forfeit

#### **Underage driving under the influence**

- Zero Tolerance Laws in Virginia; drivers under the age of 21 cannot have a BAC test result of .02 or higher.
- Mandatory driver's license suspension for one year.
- Offenders do not have the option of requesting a blood test instead of a breath test for an alcohol-related offense.

#### **Driving under the influence 21 yrs. & above**

- Drivers 21 years of age or older cannot have a BAC test result of .08 or higher.

- Conviction of a first or subsequent DUI offense may result in a mandatory driver's license suspension for one year, ignition interlock, mandatory jail time and mandatory alcohol education classes
- Implied consent laws require a driver who is suspected of DUI to submit to chemical testing (breath, blood, or urine). Refusal to submit to such tests carries a penalty of up to one year's suspension of the driver's license.

### **Possess, sell, buy or use powdered or crystalline alcohol while under 21 years of age**

- Powdered or crystalline alcohol are included in the definition of alcoholic beverages.
- Law prohibits powdered or crystalline alcohol substances to be sold in or shipped into the Commonwealth
- Purchase, possession, offering for sale or use, selling or using powdered or crystalline alcohol is a Class 1 misdemeanor
- **Mandatory** driver's license suspension for 1 year
- **Mandatory** minimum \$500 fine (max. of \$2,500) **or** 50 hours of community service
- Possible jail sentence: Up to 1 year

### **Safe reporting of overdoses.**

- "Overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of substances.
- **PROVIDES:** Affirmative defense to prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, public intoxication, or possession of marijuana, a controlled substance or controlled paraphernalia **IF:**
  - In good faith, you seek emergency medical attention for yourself or another by reporting the overdose to 911, law enforcement or medical personnel
  - Remain at the scene of the overdose until a law-enforcement officer responds
  - Identify yourself to the law-enforcement officer
  - If requested, substantially cooperate in any investigation of any criminal offense reasonably related to the alcohol or controlled substance(s) that resulted in the overdose; AND
  - The evidence for the prosecution of an offense was obtained as a result of the individual seeking or obtaining emergency medical attention.

## **Drugs**

### **Marijuana**

#### **Possession**

- Misdemeanor-jail for up to 30 days and/fine up to \$500

#### **Sale/Distribution**

- Less than ½ ounce: Class 1 Misdemeanor – 12 months in jail plus \$1000 fine.
- More than ½ ounce, less than 5 lbs.: Class 5 Felony – not less than 1 year in prison plus \$1000 fine.

- More than 5 lbs.: Felony – 5-30 years

## **Other Drugs**

### **Possession**

- *Schedule I or II Drugs* – Felony- imprisonment from 1 to 10 years or jail for up to 12 months and a fine of up to \$2,500.
- *Schedule III Drugs* – Misdemeanor – jail for up to 12 months and a fine up to \$2500
- *Schedule IV Drugs* – Misdemeanor – jail for up to 6 months and a fine up to \$1000
- *Schedule V Drugs* – Misdemeanor – fine up to \$500
- *Schedule VI Drugs* – Misdemeanor – fine up to \$250

### **Sale/Distribution – Schedule I or II Drugs**

- Felony – imprisonment from 5 to 40 years and a fine up to \$100,000

### **Sale/Distribution – Schedule III –V Drugs**

- Misdemeanor – fine up to \$250

## *1002.9 – Federal Laws Governing Alcohol & Drugs*

Federal law prohibits the possession, use, or distribution of illegal drugs. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### **A. Financial Aid Penalties for Drug Law Violations**

Students convicted of an offense under any federal or state law involving the possession or sale of illegal drugs for conduct that occurred during a period of enrollment for which the student was receiving Federal Title IV, HEA program funds or need-based institutional financial aid funds, will lose eligibility for all Title IV, HEA grant, loan, and work-study assistance and for need-based institutional financial aid.

An illegal drug is a controlled substance as defined by section 102(6) of the controlled Substances Act (21 U.S.C. 801(6)), and does not include alcohol or tobacco.

Loss of eligibility is as follows:

<b>Conviction for possession of a controlled substance:</b>	<b>Period of ineligibility:</b>
First offense	One year from date of conviction
Second offense	Two years from date of second conviction
Third offense	Indefinite period from the date of the third conviction
<b>Conviction for sale of a controlled substance:</b>	<b>Period of ineligibility:</b>
First offense	Two years from date of conviction
Second offense	Indefinite period from the date of the second conviction

## **B. Denial of Other Federal Benefits**

### **21 U.S.C. 862**

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

## **C. Forfeiture of Personal Property and Real Estate**

### **21 U.S.C. 853**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

## **D. Federal Drug Trafficking Penalties**

### **21 U.S.C. 841**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

## **E. Civil Penalty for Possession of Small Amounts of Certain Controlled Substances 21 U.S.C 844a**

Civil penalties for possession of “personal use” amounts of certain controlled substances.

- **First Conviction:** Up to 1 year imprisonment and fined up to \$10,000.
- **After one prior state or federal drug conviction:** At least 15 days in prison and up to two years in prison and fined a minimum of \$2,500 but no more than \$250,000, or both.
- **After two or more prior drug convictions:** At least 90 days in prison and up to three years in prison and fined at least \$5,000 but no more than \$250,000, or both.
- **Special sentencing provisions for crack/cocaine:** Mandatory five years and up to 20 years in prison and fined up to \$250,000, or both if:
  - (a) First conviction and amount of crack cocaine possessed exceeds five grams.
  - (b) Second conviction and the amount of crack cocaine possessed exceeds three grams.
  - (c) Third or subsequent conviction and the amount of crack cocaine possessed exceeds one gram.

## **F. Federal Drug Possession Penalties**

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500.

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Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

<b>Substance</b>	<b>Amount</b>	<b>Penalty—First Conviction</b>
Heroin	1 kg. or more	
Cocaine	5 kg. or more	
Crack Cocaine	50 gm. or more	
Methamphetamine	100 gm. or more	
PCP	100 gm. or more	
LSD	10 gm. or more	
Marijuana	1,000 kg. or more	<b>Prison:</b> not less than 10 years, not more than life.
N-Phenyl-N-propanamide	400 gm. or more	<b>Fine:</b> up to \$4 million.
Heroin	100–999 gm.	
Cocaine	500–4,999 gm.	
Crack Cocaine	5–49 gm.	
Methamphetamine	10–99 gm.	
PCP	10–99 gm.	
LSD	1–10 gm.	
Marijuana	100–1,000 kg.	<b>Prison:</b> not less than 5 years, not more than 40 years.
N-Phenyl-N-propanamide	40–399 gm.	<b>Fine:</b> up to \$2 million.
Amphetamines	any amount	<b>Prison:</b> up to 3 years.
Barbiturates	any amount	<b>Fine:</b> up to \$250,000.
Marijuana	50–100 kg.	
Hashish	10–100 kg.	
Hash Oil	1–100 kg.	<b>Prison:</b> up to 20 years. <b>Fine:</b> up to \$1 million.

# STU-1002 – Alcohol and Drug Policy

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Flunitrazepan (Rohypnol)	1 gm.	
Marijuana	less than 50 kg.	
Hashish	less than 10 kg.	
Hash Oil	less than 1 kg.	
Flunitrazepan (Rohypnol)	less than 30 mg.	<b>Prison:</b> up to 5 years. <b>Fine:</b> up to \$250,000.

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## RELATED POLICIES:

Standards of Student Conduct

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## POLICY BACKGROUND:

The Alcohol and Drug Policy was reviewed in the Spring 2018 semester. A sub-committee of the Substance Abuse Education and Prevention Committee was formed to review the existing policy. The sub-committee was charged with reviewing the Alcohol & Drug Policy and making recommendations to the policy in regards to applicable laws and regulatory guidance as well as proven best practices.

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## POLICY CONTACTS:

Deputy Title IX Coordinator for Students and Substance Abuse Education and Prevention Coordinator