

I. BACKGROUND AND POLICY PURPOSE

In accordance with the federal Drug Free Workplace Act of 1988 and the federal Drug Free Schools and Communities Act of 1989, EVMS must adopt and implement a program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs by its employees and students. Further, substance abuse by students or employees increases risks to the individual, their colleagues, and patients and runs contrary to the mission of an academic health center in the promotion of healthy lifestyles. As such, EVMS has adopted this Drug and Alcohol Abuse Prevention Policy, which applies to all members of the EVMS community and sets forth:

- Prohibited Conduct
- Legal and Disciplinary Sanctions
- Health Risks
- Responsibility for reporting of drug or alcohol abuse
- Responsibility for review of the program

II. PROHIBITED CONDUCT

All members of the EVMS community are prohibited from:

A. The unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs on EVMS property or at an EVMS off-campus activity.

B. The consumption of alcoholic beverages on EVMS property, unless at an approved EVMS event.

C. Reporting for work, attending class, or participating in an EVMS educational or other activity while under the influence of alcohol or illicit drugs.

D. Reporting for work, attending class, or participating in an EVMS educational or other activity while under the influence of prescription drugs or over-the-counter drugs, if such use impairs the individual's ability to conduct such activity safely and/or the use is contrary to the prescribed or instructed dosage of the drug. Note: When an employee and/or student is taking medically authorized drugs or other substances which may alter job performance, the student or employee has a duty to notify his/her supervisor of that information. Failure to do so will be considered a violation of this policy. Students and employees are encouraged to consult with their health care provider regarding potential impairment for any drug prescribed.

E. Violation of the EVMS Drug and Alcohol Free Workplace Policy.

F. Utilizing EVMS funds to purchase alcohol at or for a student event in violation of the EVMS Student Events Policy and Guidelines.

G. Facilitating or participating in the unsafe or irresponsible consumption of alcohol at any EVMS sponsored event, or event on EVMS property, to include:

1. consuming an excessive quantity of alcohol in a short amount of time;
2. participating in or facilitating drinking games;
3. providing alcohol to intoxicated individuals; or
4. making alcohol available to underage drinkers.

H. Engaging in one or more disruptive actions on the EVMS campus while under the influence of drugs or alcohol to include:

1. driving under the influence;
2. exhibiting public intoxication, disorderly conduct, or damaging property, and/or engaging in activities potentially injurious to self or others;
3. littering; or
4. running away or hiding from EVMS police or other EVMS officials.

I. Utilizing Purchasing Cards to purchase alcoholic beverages except as permitted by the EVMS Business Related Expenses and Reimbursement Policy or other exception approved by the President or his designee.

J. Dispensing or selling of a prescription drug obtained by personal prescription to a student or employee.

III. REPORTING

A. In accordance with the EVMS Code of Conduct, all members of the EVMS community have a duty to report alleged violations of prohibited conduct outlined in this policy.

1. Violations by students shall be reported to the Associate Dean for Student Affairs.
2. Violations by employees shall be reported to the Executive Director of Human Resources.
3. Violations by any other individual (including visitors to the campus) or in

whenever an individual's health and/or safety are threatened or appear(s) to be in jeopardy, individuals should call EVMS Police and Public Safety, at 757-446-5911 or Norfolk Police (911) immediately.

4. Non-emergency reports may also be made to the EVMS Institutional Compliance Office at 757-446-6008 or via the EVMS Ethics and Compliance Hotline: online or call 1-800-461-9330 (anonymous reporting available).

B. All allegations that an individual has committed a criminal offense involving drugs or alcohol on EVMS property or at an EVMS event, shall be referred to the EVMS Police for further investigation and prosecution, if warranted.

IV. DISCIPLINARY SANCTIONS

Students and employees who are determined to be in violation of this policy will be subject to disciplinary action as set forth in the EVMS Student Handbook or Human Resources Disciplinary Action policies, as applicable. Disciplinary action may include expulsion or termination of employment, as well as referral to authorities for prosecution where appropriate. Depending on the nature of the infraction, alleged violations of this policy by an individual student may also be referred to other appropriate EVMS programs or disciplinary bodies for consideration and action. Formal disciplinary action for a violation of this policy will not be taken against any student who self-reports in accordance with the EVMS Student Impairment Plan, provided that such student has not violated other EVMS policies that warrant formal disciplinary action.

V. FEDERAL AND STATE SANCTIONS

A. Federal Sanctions.

1. *Sanctions for possession.* Pursuant to 21 U.S.C. Sections 841 and 844 to 845, the unlawful possession of an unlawful controlled substance, including marijuana, cocaine, LSD, PCP, heroin, designer drugs, etc. is subject to the following sanctions:

- a. if the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from 5 to 20 years.
- b. for other illegal drugs, the penalty for simple possession is a fine of at least \$1000.00 and/or imprisonment up to 3 years.
- c. the penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be

liable for an amount up to \$10,000.00 in civil penalties.

2. *Sanctions for trafficking.* The selling, transportation, or import of an unlawful controlled substance or illegal distribution of prescription drugs may also be subject to more serious federal drug trafficking penalties, which are outlined at <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

3. *Other federal sanctions.* Section 484(r) of the Higher Education Act states that a federal or state drug conviction can disqualify a student for Federal Student Aid funds. As of the effective date of this policy, the period of ineligibility depends on whether the conviction was for sale or possession during a period of enrollment in which a student received federal student aid and whether the student had previous offenses, ranging from one year to an indefinite period of time. A student regains eligibility the day after the period of ineligibility ends, when he or she successfully completes a qualified drug rehabilitation program, when he or she successfully passes two unannounced drug tests conducted by a qualified drug rehabilitation program; or if a conviction is reversed, set aside or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record.

B. Commonwealth of Virginia Sanctions.

1. *Virginia Alcohol Beverage Control Act.* Virginia's Alcohol Beverage Control Act (ABC laws) governs the possession, use, and consumption of alcoholic beverages. A summary of the sanctions for violation of ABC laws are as follows:

- a. it is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law may result in a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both. Additionally, such person's Virginia driver's license may be suspended for a period of not more than one year.
- b. it is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law may result in a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
- c. it is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, he knows or has reason to know that the person for whom the alcohol is purchased is under age 21. Violation of the law may result in a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
- d. it is unlawful for any person to consume alcoholic beverages in unlicensed

public places. Violation may result in a misdemeanor conviction for which the punishment is a fine up to \$250.

2. *Virginia Drug Control Act.* The Virginia Drug Control Act (the Act) prohibits the unlawful possession, distribution, and use of controlled substances and illicit drugs, as defined by the Act. Violations of the Act are subject to the following sanctions:

- a. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act may result in a felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
- b. Possession of a controlled substance classified in Schedule III of the Drug Control Act may result in a misdemeanor conviction for which the punishment is confinement in jail up to twelve months and a fine up to \$2,500, either or both.
- c. Possession of a controlled substance classified in Schedule IV of the Drug Control Act may result in a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.
- d. Possession of a controlled substance classified in Schedule V of the Drug Control Act may result in a misdemeanor conviction for which the punishment is a fine up to \$500.
- e. Possession of a controlled substance classified in Schedule VI of the Drug Control Act may result in a misdemeanor conviction for which the punishment is a fine up to \$250.
- f. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act with the intent to sell or otherwise distribute may result in a felony conviction for which the punishment is imprisonment from five to forty years and a fine up to \$100,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to \$100,000.
- g. Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute may result in a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.

- h. Possession of marijuana may result in a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
- i. Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute may result in a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.

VI. HEALTH RISKS ASSOCIATED WITH ALCOHOL AND DRUG ABUSE

The use and abuse of alcohol, illicit drugs or prescription drugs has both immediate and long term health risks. The immediate health risks include, but are not limited to, impaired judgment and coordination, inability to focus on or accomplish complex tasks, taking risks that could lead to victimization, sexually transmitted diseases, accidents, injury, or even death. The long term health risks include, but are not limited to, damage to vital organs such as the liver, heart, and brain, chemical dependency and the inability to learn and remember information.

VII. DRUG AND ALCOHOL PROGRAMS AND RESOURCES

A. EVMS Sponsored Programs/Resources.

- a. Employee Assistance Program (EAP). EAP is a confidential service provided to help EVMS employees who are facing personal situations that affect their lives and job performance. EAP can be contacted at 800-899-8174 or on-line at www.optimaep.com.
- b. Phoenix Committee. The Phoenix Committee helps students with mental health concerns such as anxiety, depression, substance abuse, eating disorders, and family concerns. Phoenix maintains complete confidentiality in any assistance sought and no record is made of a student's contact with a Phoenix representative, or with a referred service. Phoenix Committee representatives can be found at <http://www.eventmedley.com/phoenix-committee>.
- c. Student Impairment Plan. The EVMS Student Impairment Plan provides assistance for students who have self-reported or been determined to have a substance abuse

problem. Information about the Plan can be found on the EVMS website or by contacting the Associate Dean for Student Affairs at 757-446-7275.

B. Other Programs/Resources.

- a. Virginia Health Practitioner's Intervention Program (Physicians, Residents and Clinically licensed staff) 1-866-206-4747
- b. Al-Anon Service Center of Tidewater 757-499-1443
- c. National Council on Alcoholism and Drug Dependence 1-800-622-2255
- d. Center for Substance Abuse Treatment 1-800-662-4357

VIII. RESPONSIBLE ADMINISTRATIVE OFFICE

A. The Executive Director of Human Resources and the Associate Dean for Student Affairs shall be responsible for overseeing and implementing all actions and programs relating to this policy.

B. This policy shall be distributed annually as follows:

- 1. To students by Students Affairs
- 2. To faculty and staff by Human Resources.

C. The Institutional Compliance Office shall conduct a biennial review (every two years) of this policy and any related actions or program, including a determination that the policy and applicable disciplinary sanctions are being followed. The report shall also include recommendations for corrective action or additional activities to enhance the program's effectiveness.