Alcohol and Controlled Substance Policy and Procedures

Subject: Alcohol and Controlled Substance Policy ("Controlled substance" is used rather than "drug" as drugs technically refer to any chemical substance that, when taken into the body changes the chemistry and functioning of the body. These changes can include those produced by legally prescribed or over-the-counter medication.)

1. Purpose
   In order to maintain an atmosphere conducive to learning and consistent with the College’s mission, NOVA provides this policy to the members of the college’s community regarding the use of alcoholic beverages and controlled substances.

2. Policy
   Students and employees of NOVA shall not possess, sell, use, purchase, manufacture, give away or otherwise distribute illegal substances including drugs or, where prohibited, alcohol while on campus, attending a college-sponsored off-campus event or while serving as a representative of the College at off-campus meetings. Students and employees who violate this policy will be subject to arrest and disciplinary action by the College imposed through established due process procedures.

   Students found guilty of possessing, using, distributing, or selling controlled substances will face serious disciplinary action, which may include suspension and dismissal from the College for a first offense. In addition, the College will notify the police when its rules regarding illegal substance have been violated.

   College employees are subject to disciplinary action as outlined in the DHRM Policy and Procedures Manual, Policy Number 1.05. Disciplinary action may include suspension without pay or termination of employment.

3. State and Federal Statutes
   The Commonwealth of Virginia and the Virginia State Alcohol Beverage Control Board have enacted a variety of laws and regulations which govern alcoholic beverages. These laws are included as Appendix A.

4. Health Risks
NOVA recognizes that the misuse and abuse of alcohol is a persistent social and health problem of major proportion in our society and that it interferes with the objectives of our institution. Specific health risks associated with alcohol use can be found on the CDC's website at www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm. Specific health risks related to use of controlled substances can be found at http://www.justice.gov/dea/pubs/abuse/chart.htm or http://www.justice.gov/dea/pubs/abuse/doa-p.pdf at page 81.

5. Prevention Program
Recognizing the serious consequences resulting from the inappropriate use of drugs by practically all ages and segments of our society, NOVA has established student and employee policies that prohibit the possession or consumption of controlled substances on campus. Beyond potential disciplinary action that could result, the College recognizes the need and the responsibility to provide information and counseling services regarding the hazards of substance abuse. The following program of activities and services constitutes NOVA’s effort to prevent drug abuse on the part of its students, faculty and staff. The Deans of Students will provide oversight for the content and timeliness of the programs.

A. At least once a year, each campus will conduct a seminar, workshop, presentation or other program of information and awareness that will be open to all students, faculty and staff.
B. Each Student Services Center will provide readily available brochures and information sheets which may be used by individuals for their own personal information and awareness.
C. A list of referral services in Northern Virginia that specialize in assisting persons with substance abuse issues is available through 211Virginia at www.211Virginia.org. Student, faculty and staff requesting assistance will be referred to the appropriate public agencies.

6. Biennial Review
The Associate Vice President for Student Services and Enrollment Management is responsible for completing the biennial review as noted in 34 CFR. The review will:
(1) Determine the effectiveness of the education program and implement needed changes;
   a. The AVP for Student Services will collect program information from the campuses and present the information to the Deans’ Working Group for review. At a minimum, the review will look at attendance and timeliness of subject matter.
   b. The DWG will recommend any needed changes
   c. Changes will be disseminated through the AVP’s office
(2) Ensure that the disciplinary sanctions applicable under State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol are consistently enforced.
(3) The annual notification will be sent by email to all students at the start of each fall semester. It will also be posted on the web in the Faculty Handbook, the Classified Handbook, The Student Handbook and the Adjunct Faculty Handbook. Employees and
APPENDIX A

Alcohol
Virginia's Alcohol Beverage Control Act contains a variety of laws governing the possession, use, and consumption of alcoholic beverages. The Act applies to the students and employees of this institution. Virginia statutes, including sanctions for their violation, are summarized below.

1. It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 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.

2. It is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to $2,500, either or both.

3. It shall be unlawful for any person to consume an alcoholic beverage while driving a motor vehicle upon a public highway of this Commonwealth. A violation of this section can result in a fine of $250.

4. 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 the legal drinking age. The criminal sanction for violation of the law is the same as #2 above.

5. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is a fine up to $250.

Controlled Substances and Illicit Drugs
The unlawful possession, distribution, and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into "Schedules," ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia, as amended. Penalties for violation of the schedules are covered in 18.2-248 and may involve fines of not more than one million and imprisonment for life. Virginia statutes, including sanctions for their violation, are summarized below.

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act exposes the violator to a felony conviction for which the punishment is a term of imprisonment of ranging from one to 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to 12 months and a fine up to $2,500, either or both.
2. Possession of a controlled substance classified in Schedule III of the Drug Control Act exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to $2,500, either or both.

3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act exposes the violator to 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.

4. Possession of a controlled substance classified in Schedule V of the Drug Control Act exposes the violator to a misdemeanor conviction for which the punishment is a fine up to $500.

5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act exposes the violator to a misdemeanor conviction for which the punishment is a fine up to $250.

6. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act with the intent to sell or otherwise distribute exposes the violator to a felony conviction for which the punishment is imprisonment from five to 40 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 be fined up to $100,000.

7. 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 exposes the violator to 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.

8. Possession of marijuana exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 30 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.

9. Possession of less than one-half ounce of marijuana with the intent to sell or otherwise distribute exposes the violator to 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 10 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.

**Local Laws**

Northern Virginia Community College serves the counties of Arlington, Fairfax, Prince William, and Loudoun, as well as the city of Alexandria.

All of the counties have adopted state and federal codes relative to the unlawful possession or distribution of a controlled substance. However, Alexandria, Manassas, and Woodbridge have adopted special ordinances relative to the unlawful possession or distribution of illicit drugs and alcohol.
- Alexandria
  - Sec. 13-1-5.1 - Possession of open or opened receptacles containing an alcoholic beverage.
  - Sec. 13-1-24.1 - Loitering in a public place with intent to engage in an unlawful drug transaction.

- Manassas
  - Sec. 78-162. - Possession of marijuana.
    - Similar provisions, Code of Virginia, §§ 18.2-250.1, 18.2-251.1.
  - Sec. 78-163. - Conspiring or attempting to possess marijuana.
    - Similar provisions, Code of Virginia, §§ 18.2-256, 18.2-257
  - Sec. 78-164. - Inhaling drugs or other noxious chemical substances.
    - Similar provisions, Code of Virginia, § 18.2-264.

- Woodbridge
  - Sec. 16-14.1. - Alcoholic beverages; use on certain county property.
  - Sec. 16-25. - Inhaling or inducing, etc., others to inhale drugs or other noxious chemical substances.
    - Similar provisions, Code of Virginia, § 18.2-264.
  - Sec. 16-26. - Sale, display, etc., of drug paraphernalia.
    - Controlled paraphernalia, Code of Virginia, §§ 54.1-3466 et seq.; drug offenses, §§ 18.2-247 et seq.