FLORIDA INTERNATIONAL UNIVERSITY

OFFICIAL UNIVERSITY POLICY

Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy # 1705.002

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
January 1991	January 21, 2021	Division of Human Resources Division of Student Affairs

POLICY STATEMENT

The unlawful manufacture, distribution, dispensation, possession, use, trade, or sale of a controlled substance or alcohol by any Florida International University (FIU) faculty and staff or students on campus or at any University sponsored or related activity threatens the well-being and health of the University community. Although FIU 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 class, work, or related assignment 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 the Division of Human Resources Benefits Administration (if faculty or staff) or to the Disability Resource Center (if a student).

Any violation of this policy by a University student, faculty or staff shall constitute grounds for:

1. Evaluation and/or referral to treatment for drug/alcohol abuse;
2. Disciplinary action; and/or
   a) For students, action which may include mandatory referral to 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 faculty or staff, action which may include mandatory referral to the Office of Employee Assistance (OEA) for assessment, letters of reprimand, and/or 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.

SCOPE

This policy applies to all faculty, staff, and students.

REASON FOR POLICY

To ensure the well-being of Florida International University faculty, staff and students and comply with appropriate Federal laws regarding the use and sale of controlled substances and alcohol.

DEFINITIONS	
TERM	**DEFINITIONS**
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 FIU at I-75; the Miami Beach Urban Studios (MBUS) on South Beach; the Marriott Tianjin China Program; Aquarius, The Wolfsonian; The Jewish Museum of Florida-FIU; the Metropolitan Center, FIU Downtown on Brickell, and the Rookery Bay National Estuarine Research Reserve; and any other location that may be acquired or established after the posting of this policy.
Controlled Substance	Means a controlled substance in schedules I through V of 21 U.S.C. § 812. See also Fla. Stat. § 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	Means 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.

ROLES AND RESPONSIBILITIES

All employees are responsible to ensure compliance with this policy and report any suspicious activity to either their supervisor and/or business unit head or contact the FIU Police Department.

RELATED RESOURCES

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.

CONTACTS

Employees:
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Division of Human Resources
Employee & Labor Relations, PC 236
Miami, FL 33199
Telephone: 305-348-4186
email: ELR@fiu.edu

Students:
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Division of Human Resources
Vice President's Office, GC 219
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HISTORY

Initial Effective Date: Spring 1991
Review Dates (*review performed, no updates*): N/A
Revision Dates (*updates made to document*): July 12, 2012; January 21, 2021

FLORIDA INTERNATIONAL UNIVERSITY

OFFICIAL UNIVERSITY PROCEDURE

Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy # 1705.002a

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
January 1991	July 12, 2012	Division of Human Resources Division of Student Affairs

PROCEDURE STATEMENT

1. DRUG-PREVENTION PROGRAM

   Florida International University shall establish a drug-prevention program to inform students, faculty and staff 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 students, faculty and staff 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, faculty and staff, 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 FACULTY AND STAFF WORKING ON A FEDERAL CONTRACT OR GRANT

a) All faculty and staff 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 faculty or staff'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 faculty or staff 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 faculty or staff.

4. SCOPE, ADVISEMENT AND COMMUNICATION

Florida International University shall establish and maintain a University Drug-Free and Alcohol Abuse Prevention Task Force (referred to as the "AOD Task Force") which shall include broad and diverse representation of FIU faculty, staff and students. The AOD Task Force shall:

a) Serve as an advisory board for policies and procedures regarding drug and alcohol abuse prevention;
b) Provide alcohol and drug abuse prevention information; and
c) Monitor the dissemination and notification of alcohol and drug prevention information to the FIU community.

As part of the biennial review, the AOD 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.