Alcohol and Other Drugs

Policy Type: Board of Visitors
Responsible Office: Division of Student Affairs, Office of the Provost, Human Resources
Initial Policy Approved: 09/1991
Current Revision Approved: 12/10/2021

Policy Statement and Purpose

The purpose of this policy is to promote the health, safety and welfare of members of the Virginia Commonwealth University community and the public served by the university. VCU recognizes that substance use disorders are treatable medical conditions. As such, this policy balances the need for VCU to support individuals seeking recovery with the safety and health of the entire university population. This policy encourages help-seeking while also outlining consequences for violation of the community standards for conduct, specifically standards regarding unauthorized substance use. To support our students and employees, VCU’s policy:

- Encourages all members of the community to attend to the safety and well-being of each other and actively seek help for an alcohol or other drug related emergency.
- Encourages individuals to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages individuals to use the services of qualified professionals in the community to assess the seriousness of substance use disorders and identify appropriate sources of help.
- Provides a current list of VCU resources.
- Allows the use of accrued paid or unpaid leave for employees while seeking treatment for substance use disorders.

In accordance with the federal and state law/policy, VCU prohibits the unlawful possession, use, or distribution of drugs and alcohol by students and employees on university property, or as part of or affecting any university activity. Marijuana (cannabis) is a controlled substance under federal law and therefore its possession, use, or distribution is prohibited by this policy as a drug, regardless of any law of the Commonwealth of Virginia that may permit its possession or use. For students, as stated in the Student Code of Conduct, the Director of Student Conduct and Academic Integrity or designee shall decide at their sole discretion on a case-by-case basis whether the Student Code of Conduct shall be applied to conduct occurring off campus, including conduct prohibited by this policy. For employees, VCU Human Resources will review any violations of this policy occurring off campus in accordance with VCU Criminal Convictions.
Investigations Policy. The conduct described in this paragraph is referred to in this policy as Prohibited Conduct.

Any employee or student who violates this policy is subject to disciplinary action up to and including termination of employment or expulsion from the university under applicable university employee or student conduct policies. In addition, to promote the safety of members of the University community, VCU may refer information related to such a violation to appropriate law enforcement officials and/or require satisfactory participation in an appropriate evaluation or rehabilitation program.

In accordance with the law and university policies on (1) Preventing and Responding to Discrimination and (2) Accessibility and Reasonable Accommodation, VCU does not discriminate on the basis of disability in admission, employment or access to its programs and activities and provides reasonable accommodation for individuals with disabilities.

VCU supports an environment free from retaliation. Retaliation against any individual who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Who Should Know This Policy

All VCU faculty, staff and students are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Amnesty: The offering of protection from discipline under university policies to individual(s) involved in a potential violation of a law or policy when certain conditions are met.

Employee: For the purpose of this policy, any person (faculty and/or staff) with a direct employment relationship with VCU, including those who work on a part-time or temporary basis. An individual can hold a status as both a student and employee. Cases arising under this policy will be addressed consistent with the role principally held by such individuals in the context of the alleged incident.

Prohibited Conduct: The unlawful possession, use, or distribution of drugs and alcohol by students and employees on university property, or as part of or affecting any university activity. Marijuana (cannabis) is a controlled substance under federal law and therefore its possession, use, or distribution is prohibited by this policy as a drug, regardless of any law of the Commonwealth of Virginia that may permit its possession or use.

Recovery: Beyond changing an individual’s use of substances, it is a deeper process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

Student: The term “Student” includes all persons taking courses through VCU, either full-time or part-time, on-line or in-person, single or dual enrolled, pursuing undergraduate, graduate or professional studies. “Student” also includes all persons who withdraw after allegedly violating university policy, persons who are not enrolled officially for a particular term but who have not officially withdrawn from the university, persons who have been notified of their acceptance for admissions, and persons living in VCU residence halls regardless of course enrollment.

Substance Use Disorder: The current terminology used in the DSM-V to cover a wide range of issues or symptoms that potentially develop when individuals use alcohol or other drugs.

University Property: Any property owned, leased, or controlled by Virginia Commonwealth University.

Workplace: Any state-owned or -leased property or any site where official duties are being performed by a VCU employee.

Contacts

The Senior Vice Provost for Student Affairs officially interprets this policy for students, the Assistant Vice President for Human Resources officially interprets this policy for staff, and the Senior Vice Provost for Faculty Affairs officially interprets this policy for faculty. The Assistant Vice Provost for Health and Wellness with the Division of Student Affairs is responsible for obtaining approval for any revisions through the

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appropriate governance structures. Please direct general policy questions to the Division of Student Affairs 804-828-1244.

Policy Specifics and Procedures

Education and Resources

● The Office of the Provost and VCU Human Resources will distribute at least annually in writing to all employees and students this policy, together with information regarding alcohol and other drug counseling, treatment and rehabilitation programs, descriptions of the health risks associated with alcohol and other commonly misused drugs, and descriptions of applicable legal sanctions under state and federal law for the unlawful possession or distribution of controlled substances, illegal drugs, and alcohol.

● Specific resources at the university and in the surrounding community for employees and students needing additional information or support related to an alcohol or other drug use issue are regularly updated and can be accessed through the VCU Alcohol and Other Drug Resources and FAQ page.

● Educational information on the health risks of alcohol and other drugs is publicly available and regularly updated by the Advisory Committee on Alcohol and Other Drugs.

● The provost-appointed Advisory Committee on Alcohol and Other Drugs will write a biennial report in even years reviewing the program’s educational effectiveness and the consistency of enforcement sanctions.

Accessing Support and Treatment for Recovery

● VCU recognizes that substance use disorders are treatable illnesses. VCU also realizes that early intervention and support improve the success of rehabilitation.

● Specific resources at the university and in the surrounding community for employees and students with a substance use disorder are regularly updated and can be accessed through the VCU Alcohol and Other Drug Resources and FAQs page.

● In accordance with the law, VCU does not discriminate on the basis of disability in admission, employment, or access to its programs and activities and provides reasonable accommodation for individuals with disabilities. Current illegal drug use is excluded from the definition of disability under the Americans with Disabilities Act (ADA), but substance use disorder may be a covered disability. An individual with a disability may include a person who is in or has completed a drug treatment program or has been otherwise rehabilitated and is no longer using drugs. Contact VCU’s ADA Coordinator at (804) 828-8532 or ADAservices@vcu.edu.

● Additional assistance for students:
  o Students can contact the Dean of Students Office to learn more about requesting a medical leave of absence.

● Additional procedural assistance for employees:
  o An employee eligible for family and medical leave (FMLA) shall be permitted to take a leave of absence to undergo treatment in an approved alcohol or drug treatment program. A request for leave by an employee who is ineligible for FMLA will be considered on a case by case basis.
Relevant Federal and State Legal Sanctions

Members of the VCU community are subject to and should be aware of the potential consequences for conduct involving drugs and alcohol under state and federal law. As required by the Federal Drug-Free Schools and Communities Act of 1989, some of the pertinent laws and references to sanctions are referenced below.

Virginia law

Title 18.2 of the Code of Virginia describes crimes and penalties. An offense is generally classified in the Code of Virginia as a misdemeanor or a felony, depending upon the type and the amount of the substance(s) involved. Penalties can include both civil and criminal and range in severity from fines to loss of driver’s license to imprisonment.

https://law.lis.virginia.gov/vacode/title18.2/

Virginia’s Alcohol Beverage Control Act contains a variety of provisions governing the possession, use and consumption of alcoholic beverages: https://www.abc.virginia.gov/enforcement/virginia-codes-and-regulations

Federal law

The U.S. Department of Justice’s Drug Enforcement Administration (DEA) enforces the federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq. Part D describes offenses and penalties.

https://www.deadiversion.usdoj.gov/21cfr/21usc/

Policy Enforcement for Employees

● Employees are prohibited from engaging in any of the following acts:
  ○ The unlawful possession, use, or distribution of drugs and/or alcohol on university property, or as part of any university activity, or off campus.
  ○ Reporting to or remaining at work impaired by or under the influence of alcohol or drugs except from the use of drugs for legitimate medical purposes
  ○ Violation of any criminal drug law based upon conduct occurring either in or outside the workplace
  ○ Violation of any law that governs driving while intoxicated based upon conduct occurring in the workplace

● Supervisors are required to immediately report such occurrences to Human Resources, Office of Employee Relations.

● Violation of any of the foregoing prohibitions may subject an employee to disciplinary action including, but not limited to termination or suspension, in accordance with applicable state and university policies.

● Employees are also subject to the VCU Criminal Convictions Investigations Policy, which may include alcohol or other drug related criminal convictions.
Policy Enforcement for Students

- A student found responsible for Prohibited Conduct is subject to disciplinary action up to and including expulsion from the university in accordance with university policies, including the Student Code of Conduct and applicable Residential Life and Housing policies.
  - Medical Amnesty: If a student seeks medical assistance for themselves or others due to the use of alcohol or drugs, neither the student seeking assistance nor the student needing aid will be subject to disciplinary action by the university for prohibited conduct under this policy. In these circumstances, the university reserves the right to mandate that the student(s) participate in academic programming or a medical intervention related to alcohol or drug use. In the case of a student with additional university responsibilities (i.e. teaching assistants or resident advisers) potential disciplinary action may occur as stated in the policies related to those additional responsibilities.

- As a result of any violation of this policy, a student may be referred to an appropriate educational, evaluation or rehabilitation program or offered community service, in lieu of suspension or dismissal. Satisfactory participation in any such program is to be determined by the appropriate university official who may consult with the individual or organization providing the evaluation or rehabilitation program, coordinating the community service, and/or conducting the educational program. Participation in any such program may postpone completion of degree requirements.

- When students under the age of 21 are found responsible for violating alcoholic beverage and/or drug laws or policies, VCU may notify their parent or guardian of such violations at the time of the notification in accordance with the Family Educational Rights and Privacy Act (FERPA).

Procedures for University Events Where Alcohol Is Served

- Students, employees, contractors, and guests must conduct themselves in accordance with the laws of the Commonwealth of Virginia and assume full responsibility for their activities while sponsoring or attending university events where alcohol is served.

- Individuals who host or organize a university event, on- or off-campus, where alcohol is served must:
  - Comply with applicable federal law, state law, and Virginia ABC regulations
  - In conducting an event, complete the following:
    ■ Request and complete the Alcohol Authorization Agreement form by emailing uscaevent@vcu.edu.
    ■ Execute an agreement with a third party vendor with an ABC license setting forth that the vendor is responsible for adhering to applicable laws and regulations. (Obtaining an ABC license rather than using a third party vendor requires special exemption from the Senior Vice Provost for Student Affairs or designee).
    ■ Pay security costs incurred in connection with the event. For events on University property, VCU Police determine the cost and the level of security required.
    ■ The event must be in accordance with the Office of Procurement Services Allowable Expenditures and Required Documentation Chart, including utilizing only local or private funds to pay for the purchase of alcoholic beverages. There must be a clear business purpose for the function that supports the university’s mission and is approved by the appropriate leadership (e.g., chair/director and
vice provost/dean/designee). For more information, see http://procurement.vcu.edu/i-want-to/make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/.

- For university events, any publication, advertisement or announcement whose actual or intended recipients are primarily 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 should be limited primarily to persons 21 years of age or older and such publication, advertisement, or announcement must contain a requirement of proof of age.

Forms

- Email uscaevent@vcu.edu for Alcohol Authorization Agreement Form

Related Documents

1. Drug-Free Workplace Act of 1988 and implementing regulations at 34 CFR Part 84, https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0593ca209d0a62cb0ba6f0729262fe6c&mc=true&r=PART&n=pt34.1.84
3. Commonwealth of Virginia Policy on Alcohol and Other Drugs (Employees only) http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/assets/pol1_05alcoholanddrugssummary.pdf?sfvrsn=2
4. VCU Policy: Family and Medical Leave
5. VCU Policy: Accessibility and Reasonable Accommodation for Individuals with Disabilities
7. VCU Policy: Faculty Promotion and Tenure Policies and Procedures
8. VCU Policy: Administrative and Professional Faculty and Faculty Holding Administrative Appointments
9. VCU Policy: Student Code of Conduct
10. Guide to Residential Living (updated annually)
11. Procedures for Parental Notification
12. VCU Policy: Preventing and Responding to Discrimination

Revision History

This policy supersedes the following archived policies:

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<th>Approval/Revision Date</th>
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<td>VCU Alcohol and Drug Policy</td>
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<td>11/16/2006</td>
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FAQs

Will the VCU Police Department enforce federal or state law regarding marijuana?

The VCU Police Department is a law enforcement entity under the laws of the Commonwealth of Virginia. Therefore, the Department will enforce Virginia law. The VCU Police Department will, upon request, assist or support federal law enforcement if necessary. For more specific information please contact the VCU Police Department directly.

Under this policy are university employees subject to discipline from VCU for activities involving drugs or alcohol that occur off campus?

Under this policy employees are subject to discipline for the unlawful possession, use, or distribution of drugs (including marijuana) and/or alcohol. Whether the possession, use or distribution of drugs and/or alcohol is unlawful is subject to decision of law enforcement and the respective federal or state court.

Other Frequently Asked Questions related to this policy are regularly updated and can be accessed through the VCU Alcohol and Other Drug Resources and FAQ page.