

A. PURPOSE

The purpose of this policy is to adopt and implement a program to educate the University community about the unlawful possession, use or distribution of illicit drugs or alcohol and the resulting penalties.

B. AUTHORITY

[Code of Virginia Section 23-1301, as amended](#) grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[34 Code of Federal Regulations 86 implemented pursuant to the Drug Free Schools and Communities Act, 20 U.S.C. 1145 \(g\)](#)

[Virginia Department of Human Resource Management Policy 1405 Alcohol and Other Drugs](#)

C. DEFINITION

Controlled Substance A drug, substance, or immediate precursor in Schedules I through VI of Chapter 34 of the Code of Virginia, but substances include distilled spirits.

Imitation Controlled Substance A pill, capsule, or tablet or substance in any form whatsoever that

whether or not the University's programs are in session. Agents include all persons

with any other sentence, and ~~he~~ she shall be fined not more than \$500,000.
[Code of Virginia Section 18.2-48, as amended](#)

- ii. If a person proves that he or

a. Sale/Possession

[Code of Virginia Section 4.1-307, as amended](#), provides:

No person shall permit anyone employed by him or her under the age of (i) 18 years to sell, serve or dispense in any manner alcoholic beverages for on-premises consumption, except pursuant to subdivisions 1 through 5 of [Code of Virginia Section 4.1-200, as amended](#), or (ii) 21 years to prepare or mix alcoholic beverages in the capacity of bartender.

Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

[Code of Virginia Section 4.1-305, as amended](#), states

No person to whom an alcoholic beverage may not lawfully be sold under [Code of Virginia Section 4.1-304, as amended](#), shall consume, purchase or possess, attempt to consume, purchase or possess, any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of [Code of Virginia Section 4.1-200, as amended](#) (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his or her employment or an order of his or her parent; or (iii) by any State, Federal, or local law enforcement officer when possession of an alcoholic beverage is necessary in the performance of his or her duties. Such person may be prosecuted either in the county or city in which the alcohol was possessed or consumed or in the county or city in which the person exhibits evidence of physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows that such consumption or possession was pursuant to subdivision 7 of [Code of Virginia Section 4.1-200, as amended](#).

No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious facsimile or simulated license to operate a motor vehicle, (ii) altered, fictitious, facsimile or simulated document, including, but not limited to a birth certificate or student identification card, or (iii) motor vehicle operator's license, birth certificate or student identification card of another person in order to establish a false identification or false age for himself or herself to consume, purchase or attempt to consume or purchase an alcoholic beverage.

Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor. Upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be suspended for a period of not less than six months and not more than one year; the license to operate a motor vehicle in the Commonwealth of any juvenile shall be handled in accordance with the provisions of [Code of Virginia Section 16.1-278.9, as amended](#) (16.1-278.9-1.1 (1)) TJ3 (

community-based probation services agency established pursuant to Article 9 of [Code of Virginia Section 9-173 et seq., as amended](#) of Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local community-based probation services agency shall report to the court any violation of the terms of the restricted permit, the required alcohol safety action program monitoring or local community-based probation services and any condition related thereto or any failure to remain alcohol

Employees who commit the above offenses are subject to disciplinary action up to and including discharge and participation in a drug abuse assistance or rehabilitation program at the discretion of management.

Supervisors should contact the Director of Human Resources for Strategic Initiatives and Employee Relations for guidance within five days of being notified of an employee's conviction.

b. Students

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H. RESPONSIBLE OFFICER

Associate University Counsel

I. RELATED INFORMATION

N/A

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

/s/ J. D. W

As of, 2018