**Florida International University
2014-2016 AOD Biennial Review**

**[01.01.14 to 12.31.16]
DFSCA Part 86**

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**INTRODUCTION**

The following report was prepared by the Florida International University (FIU) Drug-Free Campus/Workplace Drug and Alcohol Abuse Taskforce[[1]](#footnote-1) in order to meet the requirements of the 1989 amendments to the Drug-Free Schools and Campuses Act, as articulated in Part 86, the Drug-Free Schools and Campuses Regulations.

The Drug-Free Schools and Campuses Regulations (EDGAR Part 86.100 [b]) require Florida International University (FIU) to conduct a biennial review of its Alcohol and Other Drug (AOD) Programs and policies in order to do the following:

* Determine program effectiveness;
* Determine consistency of policy enforcement;
* To identify and Implement any changes needed to either; and
* To ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently.

In order to certify its compliance with the Part 86 Regulations, the University must:

* Adopt and implement a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities;
* Develop a sound method for distribution of the policy to every student and FIU staff member each year; and
* Review its AOD programs and policies every two years.

The Biennial Reviews include the following elements:

1. Descriptions of the AOD program elements;
2. A statement of AOD program goals and a discussion of goal achievement;
3. Summaries of AOD program strengths and weaknesses;
4. Procedures for distributing AOD policy to students and employees;
5. Recommendations for revising AOD programs; and
6. Copies of the policies distributed to students and employees.

Florida International University has developed and updated a comprehensive written policy on alcohol and other drugs, as well as successfully distributing this policy to all faculty, staff and students on an ongoing basis, multiple times, throughout the year. As such, FIU is in full compliance with the regulations pertaining to the policy requirements.

This report represents the Biennial Review of Alcohol and Drug Prevention Programs at Florida International University. The report contains an evaluation of student alcohol and other drug programs to help measure policy and program effectiveness. The report also contains a discussion of the AOD program goals and achievements; the prevention initiatives the University has implemented to minimize drug and alcohol problems are summarized; and recommendations for revising AOD programs to better address any concerns that may have been identified.

**DESCRIPTIONS OF THE AOD PROGRAM SERVICES**

**[*Prevention program elements are the particular activities implemented to achieve program goals and outcomes. In this section of the review, prevention professionals may choose to list each of the individual and environmental strategies and the activities that they have implemented in each area*.] Note: Need a list of all the programs that were implemented or in operation during the time-period involved, including events, etc.**

**STATEMENT OF AOD PROGRAM GOALS AND A DISCUSSION OF GOAL ACHIEVEMENT**

**[*Prevention program goals identify the intentions of programmatic efforts. Goals reflect the problem that an institution is seeking to address (e.g., heavy episodic alcohol use, primary***

***or secondary consequences of alcohol use) and the outcomes it seeks to achieve. In listing program goals, prevention specialists reflect on all that they hope to achieve and list those items. This creates a blueprint for action*.]**

**SUMMARIES OF AOD PROGRAM STRENGTHS AND WEAKNESSES**

**[*It is helpful to identify the program strengths that assist in achieving goals and reaching***

***outcomes. Program weaknesses are areas that have created challenges for prevention efforts or barriers to progress, such as a lack of data about the scope of the problem, a lack of allies,***

***or a lack of leadership.*]**

**PROCEDURES FOR DISTRIBUTING ANNUAL AOD NOTIFICATION TO STUDENTS AND EMPLOYEES**

FIU has a written alcohol and other drug policy that is widely distributed to students, faculty and staff via student handbooks, semester course registration guides, various websites (Student Affairs, HEOA Student Consumer Information, etc.) and the FIU undergraduate and graduate catalogues. In addition, the Alcohol & Drug Notification and Policy, as well as a website link is, is sent via email to all FIU students and employees at least three (3) times a year, on the first weeks of the Fall, Winter & Summer school semesters. Verification is made through the Office of University Compliance & Integrity’s automated Regulatory Compliance Calendar. Email reminders are sent out to the Vice President of Human Resources and the Vice President of Student Affairs each period. When the notifications are sent, the calendar item is recorded as being completed. (The calendar item is made part of the Monthly Compliance Report, which is used for reporting purposes to the University President and the University Board of Trustees). (See appendixes f. & g.)

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Pursuant to the regulations, these written policies and their distribution to all employees and students are in compliance with federal guidelines.

**COPIES OF THE POLICIES DISTRIBUTED TO STUDENTS AND EMPLOYEES**

Appendix:

(a.) **DRUG-FREE CAMPUS/WORKPLACE DRUG AND ALCOHOL ABUSE PREVENTION POLICY**

**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.

**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.

**RELATED INFORMATION**

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.

**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” mean 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.

**PROCEDURES**

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.

(b.) **Alcoholic Beverages and Illegal Drug Possession**

**POLICY STATEMENT**

The consumption of alcoholic beverages by members of the university community is subject to the alcoholic beverage laws of the State of Florida and FIU policy and regulations. Specifically, it is unlawful for any person to sell, give, serve or permit to serve alcoholic beverages to a person less than 21 years of age or to consume alcoholic beverages on licensed premises unless specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age. It is also unlawful for a person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve or deliver any alcoholic beverage to a person less than 21 years of age. A violation of the proceeding may be cause for disciplinary action and criminal prosecution.

The unlawful manufacture, distribution, dispensation, possession, use, trade, or sale of a Controlled Substance or alcohol by any Florida International University student or employee on Campus or at any University sponsored or related activity threatens the wellbeing and health of the University community.

**REASON FOR POLICY**

Establishes FIU’s perspective on alcoholic beverage and illegal drug consumption, manufacture, distribution and possession.

**RELATED INFORMATION**

FIU Policy 1705.002 Drug-Free Campus/Workplace, Drug And Alcohol Abuse Prevention Policy online at policies.fiu.edu/files/754.pdf and FIU Regulation 2505 Alcoholic Beverages online at regulations.fiu.edu/regulation.

**PROCEDURES**

Although Florida International University 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 classes, work, or related assignments “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 supervisors or an appropriate University representative.

Any violation of this policy by a University student or employee shall constitute grounds for: 1. Evaluation and/or referral to treatment for drug/alcohol abuse; 2. Disciplinary action; and/or a) For students, disciplinary action may include mandatory referral to the University Counseling and Psychological Services for alcohol/drug dependence, written reprimand, or other disciplinary sanctions, up to and including expulsion from the University. Such actions shall be in accordance with the applicable “Student Codes of Conduct” and University policies and procedures.

2 b) For employees, disciplinary action may include mandatory referral to the Office of Employee Assistance (OEA) for assessment, letters of reprimand, and 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.

(c.) **Florida International University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy Annual Notification (long Version)**

TO: Florida International University Faculty, Staff, and Students

SUBJECT: Florida International University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy Annual Notification

DATE: September 16, 2016

The Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988 (collectively the “Act”), require that Florida International University (FIU) maintain a program to prevent the use of illicit drugs and abuse of alcohol by students and employees.

**INTRODUCTION**

Florida International University is proud to be an Alcohol and Drug-Free Campus and Workplace since the spring of 1991. This initiative is intended to promote a safe, productive, and drug-free work and learning environment for our faculty, staff, and students.

Under the Act, FIU is also required to annually distribute the following information about its Drug and Alcohol program to all faculty, staff and students. You should read this notification carefully, which is divided into the following sections:

1. Standards of Conduct and Sanctions
2. Legal Statutes, Regulations, Policies and Penalties
3. Health Risks
4. Prevention and Assistance
5. **STANDARDS OF CONDUCT AND SANCTIONS**

It is important to note that illegal drug use can cause negative health effects impacting the physical, behavioral, and psychological well-being of an individual as well as the surrounding community. In addition, it can also lead to addiction for the user. Illegal drug use and alcohol abuse negatively impact the mission and goals of the University.

Although Florida International University respects the privacy rights of individuals as well as the right of an individual of legal age to partake in the consumption of alcohol, under appropriate circumstances, such rights cannot outweigh the need to maintain a safe working and learning environment.

The following is pertinent information you should be aware of in relations to the University’s drug and alcohol prevention initiative:

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 Substance on campus or as part of any University activity;
2. No person may report to classes, work, or related assignments “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 immediately to any supervisor or an appropriate University representative.

Any violation of this policy shall constitute grounds for:

1. Evaluation and/or referral to treatment for drug/alcohol abuse;
2. Disciplinary action, up to and including termination of employment in accordance with applicable collective bargaining agreements or rules; and/or
3. Criminal sanction.

In furtherance of this initiative, the University shall establish and maintain a [University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Task Force](http://hr.fiu.edu/aod/) which shall include broad and diverse representation of FIU faculty, staff and students. The Florida International University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Task Force shall be responsible for conducting biennial reviews of the University’s drug-prevention program to:

a. determine the effectiveness of the drug-prevention program and implement needed changes, if any to the program; and

b. ensure the consistent enforcement of the disciplinary sanctions imposed on students and employees who violate the required standards of conduct.

The [Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy](https://policies.fiu.edu/policy/754) can be found in the University Policies and Procedures Library.

1. **LEGAL STATUTES, REGULATIONS, POLICIES AND PENALTIES**
2. **ALCOHOL**

1. **FIU Regulation**

All members of the University community (students, faculty, staff, and alumni, and their guests) who purchase, possess, and consume alcoholic beverages on campus must do so responsibly and must have reached the legal age of 21. Students and employees are expected to take personal responsibility for their own conduct when making decisions regarding alcohol use.

The use, possession, or distribution of beverages containing alcohol on University property, including residence halls, is governed by Florida statute and University regulation. The following University regulation applies to all faculty, staff and students of the University, and their guests attending events and activities on University premises:

The term “*University premises*”, as used in this regulation, includes any facility, vessel, vehicle or real estate, whether owned, leased, rented or temporarily assigned, which is managed and operated under the authority of the University or an authorized agent of the University.

No individual under the legal drinking age (minimum of 21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises, unless specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age.

No individual may serve or otherwise provide alcohol, for consumption, to individuals under the legal drinking age of 21 years.

Any individual to whom alcohol is sold or served, or who attempts to purchase or consume alcohol on University premises must satisfy the legal age requirement of 21 years, and demonstrate this by showing valid photo identification when asked to do so. Individuals shall not bring alcoholic beverages to any University sponsored event. Individuals shall not leave a University event or event area while carrying or holding any type of container of alcoholic beverage. Individuals shall adhere to all applicable state and local laws related to the sale or consumption of alcohol.

For the complete regulation, please refer to the following link: [FIU-2505 Alcoholic Beverages](http://regulations.fiu.edu/regulation%3DFIU-2505).

1. **Florida Alcohol Laws**

The following represents a summary of relevant Florida Statutes for alcohol related offenses:

It is unlawful for any person under the age of 21 years, except a person employed under the provisions of Florida Statutes acting in the scope of her or his employment within hotels, restaurants and other licensed establishments, to have in her or his possession alcoholic beverages. ([F.S. §562.111](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0562/Sections/0562.111.html))

The prohibition in section 562.111 against the possession of alcoholic beverages does not apply to the tasting of alcoholic beverages by a student who is at least 18 years of age, who is tasting the alcoholic beverages as part of the student’s required curriculum at a postsecondary educational institution that is institutionally accredited by an agency recognized by the United States Department of Education and that is licensed or exempt from licensure pursuant to the provisions of chapter 1005 or is a public postsecondary education institution; if the student is enrolled in the college and is tasting the alcoholic beverages only for instructional purposes during classes that are part of such a curriculum; if the student is allowed only to taste, but not consume or imbibe, the alcoholic beverages; and if the alcoholic beverages at all times remain in the possession and control of authorized instructional personnel of the college who are 21 years of age or older.

Any person under the age of 21 who is convicted of a violation of subsection 562.111 is guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a $500.00 fine. Any person under the age of 21 who has been convicted of a violation of this subsection and who is thereafter convicted of a further violation of this subsection is, upon conviction of the further offense, guilty of a misdemeanor of the first degree, punishable by up to 1 year imprisonment and a $1,000.00 fine. ([F.S. §775.082](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0775/Sections/0775.082.html), [F.S. §775.083](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0775/Sections/0775.083.html))

It is unlawful for any person to sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume such beverages on the licensed premises.

[(F.S. §562.11](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0562/Sections/0562.11.html))

A person who violates subsection 562.11 commits a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a $500.00 fine. A person who violates this subparagraph a second or subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable by up to 1 year imprisonment and a $1,000.00 fine. (F.S. §775.082, F.S. §775.083)

It is unlawful for any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any licensee or his or her agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age, or for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages. (F.S. §562.11)

Anyone convicted of violating the provisions of subsection 562.11 is guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a $500.00 fine. (F.S. §775.082, F.S. §775.083)

No person in the state shall be intoxicated and endanger the safety of another person or property, and no person in the state shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance. ([F.S. §856.011](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0856/Sections/0856.011.html))

Any person violating the provisions of this subsection 856.011 shall be guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment and a $500.00 fine. (F.S. §775.082, F.S. §775.083)

Any person who shall have been convicted or have forfeited collateral under the provisions of subsection (1) three times in the preceding 12 months shall be deemed a habitual offender and may be committed by the court to an appropriate treatment resource for a period of not more than 60 days. (F.S. §856.011)

A person is guilty of the offense of driving under the influence and is subject to punishment if the person is driving or in actual physical control of a vehicle within this state and the person’s normal faculties are impaired

with a blood-alcohol level of 0.08 or more, or has a breath-alcohol level of 0.08 or more. ([F.S. §316.193](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0316/Sections/0316.193.html))

Any person who is convicted of a violation of subsection 316.193 shall be punished:

1. By a fine of:

a. Not less than $500 or more than $1,000 for a first conviction.

b. Not less than $1,000 or more than $2,000 for a second conviction; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

1. **DRUGS**
2. **FIU Drug Policies and Employment Requirements**
3. **Drug Testing:**

The University shall ensure drug testing on all prospective candidates for law enforcement positions and positions that specifically state this as a condition of employment in the job description, job posting or offer letter.

1. **FIU Requirements for New Hires (Sign-On Package) and for *ALL* Employees Working on a Federal Contract or Grant:**

1. All employees engaged in the performance of a federal contract or grant must, in addition to receiving the annual notification statement, agree to:
2. Abide by the terms of the annual notification statement; and
3. 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.

2. Within ten (10) days after receiving notice of any such conviction, Florida International University shall

 notify the contracting or granting agency. Such notification must:

1. Be in writing;
2. include the employee’s position title;
3. include the identification number of each affected award; and
4. be sent to every awarding official or his or her official designee of the Federal agency on whose award the convicted employee was working, unless the Federal agency has specified a central point for the receipt of the notices.

3. 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 employee.

1. **Florida Drug Laws**

Florida Statute [§ 893.13](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0893/Sections/0893.13.html) makes it unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision can be liable for the following penalties, depending on the classification and amount of drug involved:

Felony in the first degree - Up to 30 years imprisonment and a $10,000.00 fine

Felony in the second degree - Up to 15 years imprisonment and a $10,000.00 fine

Felony in the third degree - Up to 5 years imprisonment and a $5,000.00 fine

Misdemeanor in the first degree - Up to 1 year imprisonment and a $1,000.00 fine

Misdemeanor in the second degree - Up to 60 days imprisonment and a $500.00 fine

Non-criminal charge - Other fines and civil penalties determined by court

Florida statute also 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.” A conviction may be punishable by imprisonment for up to 30 years and a $10,000.00 fine. (F.S. § 893.13(1)(d)).

Special Circumstances:

If a person violates any provision of Section 893.13 and the violation results in a serious injury to a state or local law enforcement officer, firefighter, emergency medical technician, paramedic, employee of a public utility or an electric utility, animal control officer, volunteer firefighter engaged by state or local government, law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee injured during the course and scope of his or her employment, the person commits a felony of the third degree, punishable as provided above. If the injury sustained results in death or great bodily harm, the person commits a felony of the second degree, punishable as provided above. (F.S. § 893.13(6)(a)(d)(10)).

Florida Controlled Substance List and Schedules can be found under [F.S. §893.03](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0893/Sections/0893.03.html).

Florida “Precursor Chemical” list, which are chemicals that may be used in manufacturing a controlled substance in violation of Florida Statute, can be found under [F.S. §893.033](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0893/Sections/0893.033.html).

1. **Federal Drug Laws**

Types of Federal Drug Crimes

Federal drug laws prohibit the possession, distribution, sale, trafficking, cultivation, and manufacturing of various controlled substances. Prohibited drugs include marijuana, cocaine, methamphetamine, heroin, and a number of narcotic-based drugs such as Oxycodone and Vicodin, and more.

Marijuana Possession and Distribution

Possession / any amount - Punishable by up to 1 year in prison and a fine of $1,000

for a first conviction - Further convictions and greater amounts of marijuana result in stiffer penalties

Sale of less than 50 kilograms - Felony punishable by 5 years in prison and a $250,000.00 fine

(Smallest amount category)

Cocaine and Heroin Possession and Distribution

Possession of cocaine/heroin - Penalties are more severe than those of Marijuana

Sale or distribution of cocaine/heroin - Penalty may include a life sentence

Factors that are considered when an individual is being charged with a drug crime such as possession or distribution of heroin or cocaine, include the quantity of drug involved, the prior criminal history of the defendant, the use or possession of weapons by the defendant, and whether minors were involved.

Drug Trafficking

Transporting controlled substances - Considered federal drug trafficking, a crime for which the

(Over state-line or country’s border) penalties are severe - The death penalty is a possible punishment for drug "kingpins"[[2]](#footnote-2)

Penalties for Federal Drug Crimes

Under the Federal Sentencing Guidelines, the penalties for federal drug crimes are mandatory; the judge does not have any discretion to give lighter sentences. Additionally, the federal system provides only limited opportunities for probation following a conviction on a drug crime. There is also no parole in the federal justice system.

Anyone charged with a Federal and State drug charge should be aware that the United States Supreme Court has ruled that a defendant does not face double jeopardy if he or she is convicted of certain drug offenses and can be charged in both state and federal courts for the same act using all the prosecution powers of the two entities.

A comprehensive review of illicit drugs, including the history of the drug, its uses, short and long term effects, penalties for use, and pertinent legislation can be found under: <http://www.usdoj.gov/dea/concern/concern.htm>

A comprehensive review of federal penalties for drug trafficking can be found under:

[http://www.usdoj.gov/dea/agency/penalties.htm](http://www.justice.gov/dea/druginfo/ftp3.shtml)

1. **HEALTH RISKS**
2. **ALCOHOL**

Beer, wine, liquor

Alcohol is a depressant which leads to the loss of control over judgment, resulting in a loss of inhibitions. It affects physical coordination, causing blurred vision, slurred speech and loss of balance. Alcohol is involved in a large proportion of fatal road accidents, assaults and incidents of domestic violence.

Excessive drinking over time is associated with the following health problems and conditions:

**Brain:** Alcohol interferes with the brain’s communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

**Heart:** Consuming a large amount over a long period of time or too much on a single occasion can damage the heart, causing problems including:

* • Cardiomyopathy – Stretching and drooping of heart muscle
* • Arrhythmias – Irregular heart beat
* • Stroke
* • High blood pressure

**Liver:** Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

* • Steatosis, or fatty liver
* • Alcoholic hepatitis
* • Fibrosis
* • Cirrhosis

**Pancreas:** Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

**Cancer:** Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

* • Mouth
* • Esophagus
* • Throat
* • Liver
* • Breast

**Immune System:** Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body’s ability to ward off infections – even up to 24 hours after getting drunk.

**Binge Drinking**

Most adverse health effects from underage drinking stem from acute intoxication resulting from binge drinking. Immediate health effects of binge drinking may include:

* Alcohol poisoning – A high level of alcohol consumption within a short span of time which results in the suppression of the central nervous system and causes loss of consciousness, low blood pressure and body temperature, coma, respiratory depression and death.
* Risky sexual behaviors and increased risk of sexual assault. These behaviors can result in unintended pregnancy or sexually transmitted diseases. Violence, including intimate partner violence and child maltreatment.

*[Source: U.S. Department of Health and Human Services]*

1. **DRUGS**

**Substance Category & Name**  **Possible Effects / Potential Health Consequences**

(*Examples of Commercial & Street Names*)

**Anabolic Steroids:** *Virilization, edema, testicular atrophy,*

***Testosterone*** *gyneco-mastia, acne, aggressive behavior* ***/*** *Physical and*

Depo Testosterone, Sustanon, Sten, Cypt *internal damage, addiction, possible suicide*

**Other Anabolic Steroids**

Parabolan, Winstrol, Equipose, Anadrol,

Dianabol, Primabolin-Depo, D-Ball

**Cannabis:** *Euphoria, relaxed inhibitions, increased*

***Marijuana*** *appetite, disorientation* ***/*** *Fatigue, paranoia,*

Pot, Grass, Sinsemilla, Blunts, *Mota* , *Yerba* , *possible psychosis*

*Grifa*

**Tetrahydro-cannabinol**

THC, Marinol

**Hashish and Hashish Oil**

Hash, Hash oil

**Depressants:** *Slurred speech, disorientation, drunken behavior*

***Gamma Hydroxybutyric Acid*** *without odor of alcohol, impaired memory of events,*

*GHB, Liquid Ecstasy, Liquid X, Sodium interacts with alcohol* ***/*** *Shallow respiration, clammy*

*Oxybate, Xyrem® skin, dilated pupils, weak and rapid pulse, coma,*

***Benzodiazepines*** *possible death*

Valium, Xanax, Halcion, Ativan, Restoril,

Rohypnol (Roofies, R-2), Klonopin

**Other Depressants**

Ambien, Sonata, Meprobamate,

Chloral Hydrate, Barbiturates,

Methaqualone (Quaalude)

**Hallucinogens:**

**MDMA and Analogs** *Heightened senses, teeth grinding and*

(Ecstasy, XTC, Adam), MDA (Love Drug), *dehydration* ***/*** *Increased body temperature,*

MDEA (Eve), MBDB *Electrolyte imbalance, cardiac arrest*

**LSD**  *Illusions and* *hallucinations, altered perception of time*

Acid, Microdot, Sunshine, Boomers *and* *distance* ***/*** *Longer, more intense "trip" episodes*

**Phencyclidine and Analogs** *Illusions and hallucinations, altered perception of time*

Angel Dust, Hog, Loveboat, Ketamine *and* *distance* ***/*** *Unable to direct movement, feel pain,*

(Special K), PCE, PCPy, TCP *or remember*

**Other Hallucinogens**

Psilocybe mushrooms, Mescaline, Peyote

Cactus, Ayahausca, DMT,

Dextromethorphan (DXM)

**Inhalants:**

**Amyl and Butyl Nitrite** *Flushing, hypotension, headache* ***/*** *Methemo-*

Pearls, Poppers, Rush, Locker Room *globinemia*

**Nitrous Oxide** *Impaired memory, slurred speech, drunken behavior,*

Laughing gas, balloons, Whippets *slow onset vitamin deficiency, organ damage* ***/***

**Other Inhalants** *Vomiting, respiratory depression, loss of*

Adhesives, spray paint, hair spray, dry *consciousness, possible death*

cleaning fluid, spot remover, lighter fluid

**Narcotics:** *Euphoria, drowsiness, respiratory depression,*

**Heroin** *constricted pupils, nausea / Slow and shallow*

Diamorphine, Horse, Smack, Black tar, *breathing, clammy skin, convulsions, coma, possible*

*Chiva, Negra (black tar) death*

**Morphine**

MS-Contin, Roxanol, Oramorph

SR, MSIR

**Hydrocodone**

Hydrocodone w/ Acetaminophen, Vicodin,

Vicoprofen, Tussionex, Lortab

**Hydro-morphone**

Dilaudid

**Oxycodone**

Roxicet, Oxycodone w/ Acetaminophen,

OxyContin, Endocet, Percocet, Percodan

**Codeine**

Acetaminophen, Guaifenesin or

Promethazine w/Codeine, Fiorinal, Fioricet

or Tylenol w/Codeine

**Other Narcotics**

Fentanyl, Demerol, Methadone, Darvon,

Stadol, Talwin, Paregoric, Buprenex

**Stimulants:** *Increased alertness, excitation, euphoria,*

**Cocaine** *increased pulse rate & blood pressure,*

Coke, Flake, Snow, Crack, *Coca, insomnia, loss of appetite / Agitation, increased*

*Blanca, Perico, Nieve* , Soda *body temperature, hallucinations, convulsions,*

**Amphetamine/Meth-amphetamine** *possible death*

Crank, Ice, Cristal, Krystal Meth, Speed,

Adderall, Dexedrine, Desoxyn

**Methylphenidate**

Ritalin (Illy's), Concerta, Focalin, Metadate

**Other Stimulants**

Adipex P, Ionamin, Prelu-2, Didrex, Provigil

**Nicotine** *Effects attributable to tobacco exposure includes*

Cigarettes, cigars, smokeless tobacco,*adverse pregnancy outcomes, chronic lung disease,*

snuff, spit tobacco, chew *cardiovascular disease, stroke, cancer, tolerance, addiction*

*[Source: U.S. Department of Justice’s Drug Enforcement Administration]*

Description of drugs and effects can be found in the [DEA Drug Fact Sheets](http://www.justice.gov/dea/druginfo/factsheets.shtml).

1. **PREVENTION AND ASSISTANCE**

**Resources:**

[**Human Resources**](http://hr.fiu.edu/index.php?name=home)

(305) 348-2181 Modesto Maidique Campus (MMC)

(305) 919-5545 Biscayne Bay Campus (BBC)

**[Counseling and Psychological Services (CAPS)](http://caps.fiu.edu/)**

(305) 348-2434 Modesto Maidique Campus (MMC)

(305) 919-5305 Biscayne Bay Campus (BBC)

Services and programs are offered by Counseling and Psychological Services (CAPS) staff, with expertise in dealing with student concerns and development. Their goal is to provide professional care to each student in a culturally sensitive environment. Students who are currently registered at Florida International University are eligible to utilize these services and participate in the programs.

[**Office of Employee Assistance (OEA)**](http://www.oea.fiu.edu/)

(305) 348-2469 MMC & BBC

The Office of Employee Assistance is the faculty/staff employee assistance program of Florida International University. The OEA provides confidential professional assistance, without charge, to help employees and their families resolve personal problems that affect their personal lives or job performance.

**[Student Health Services (SHS)](http://studenthealth.fiu.edu/)**

(305) 348-2401

BBC

Clinical Services (HCC): (305) 919-5620

Wellness Center (WUC): (305) 919-5307

Student Health Services (SHS) provides affordable and accessible student-focused medical care and promotes healthy lifestyles through education, mentorship, and research activities thus facilitating the academic success of our students.  SHS provides professional, accessible, and cost-effective primary care services to registered students at FIU -- with an emphasis on health education, prevention and self-care

**Community Resources:**

[**Switchboard of Miami**](http://www.switchboardmiami.org/)

(305) 358-4357

Switchboard of Miami, Inc. established in 1968, is a private, nonprofit organization that counsels, connects and empowers people in need.  Through our suicide prevention programs, information and referral contact center, and crisis counseling and wellness services, Switchboard serves as both a first point of assistance and a last resource for people in need.

**Alcoholics Anonymous:**

**Coral Gables**
Miami-Dade Intergroup
24 Hr. Answering Svc: (305)461-2425
Website: [www.aamiamidade.org](http://www.aamiamidade.org/)

**Fort Lauderdale:**

Broward County A.A. Intergroup
Main: (954)462-0265
24 Hr. Answering Svc: (954)462-7202
Site: [www.aabroward.org](http://www.aabroward.org/%22%20%5Ct%20%22_blank)

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is the desire to stop drinking. There are no dues or fees for A.A. membership.

**Narcotics Anonymous:**

**Helplines**:

South Dade Area: 305-265-9555

North Dade Area: 1-866-935-8811

Beach and Bay Area: 305-628-8205

South Florida Region: 1-866-288-NAN

Website: <http://www.namiami.org/>

Meetings: <http://www.namiami.org/meetings/>

Narcotics Anonymous is a nonprofit fellowship or society of men and women for whom drugs had become a major problem. The program is for recovering addicts who meet regularly to help each other stay clean. This is a program of complete abstinence from all drugs. There is only one requirement for membership, the desire to stop using.

[**The Florida Alcohol and Drug Abuse Association (FADAA)**](http://www.fadaa.org/)

(850) 878-2196

The Florida Alcohol and Drug Abuse Association, incorporated in 1981, is a non-profit membership association representing over 100 of Florida’s premiere community-based substance abuse and co-occurring treatment and prevention agencies, managing entities, community anti-drug coalitions and over 3,000 individual members. The mission of FADAA is to represent its members in advancing addiction treatment, prevention and research through public policy leadership, communications, professional development and quality member services.

(d) **Florida International University Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy Annual Notification (Short Version)**

**MEMORANDUM**

**Date:**September 16, 2016

**To:**                  University Faculty & Staff

**From**:             Jaffus Hardrick, Ed.D.

*Vice President of Human Resources & Vice Provost for Access & Success*

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**Subject:         Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Annual Notification**

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The Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988 (collectively the “Act”), require that Florida International University (FIU) maintain a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. Under the Act, FIU is also required to annually distribute the following information about its Drug and Alcohol program to all faculty, staff and students. You should read this notification carefully. You can find a more detailed version of this notification at: <http://studentaffairs.fiu.edu/about/drug-free-campus-notification/index.php>.

**POLICY:** The University is committed to maintaining a safe, productive, and drug-free work and educational environment. As such, FIU strictly prohibits the unlawful manufacture, distribution, dispensation, possession, trade, sell, or offer for sale of a Controlled Substance or alcohol, or otherwise engaging in the unlawful use of Controlled Substances or alcohol on campus. No person may report to classes, work, or related assignments “under the influence” of Controlled Substances, alcohol, or prescription drugs taken illegally. Furthermore, all employees are required to notify the University of any Criminal Drug Statute Conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Click “[Here](https://policies.fiu.edu/policy/754)” to read the complete Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Policy, which can be found in the University Policies and Procedures Library.

**SANCTIONS:** Any employee or student found to have abused drugs and/or alcohol in the workplace or campus shall be subject to disciplinary action in accordance with University regulations, policies and any applicable collective bargaining agreement.

**DRUGS:** The unlawful possession, use, distribution, dispensation, manufacture, or sale of Controlled Substances is governed by [Federal law](file:///C%3A%5CUsers%5Cperezne%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5C7XSQBDCQ%5CTypes%20of%20Federal%20Drug%20Crimes.docx), [Florida law](file:///C%3A%5CUsers%5Cperezne%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5C7XSQBDCQ%5CFlorida%20Drug%20Laws.docx), University regulation ([FIU-2501 Student Code of Conduct](http://regulations.fiu.edu/regulation%3DFIU-2501)), and [University policy](https://policies.fiu.edu/policy/754).

**ALCOHOL:** The use, possession, or distribution of beverages containing alcohol on University property, including residence halls, is governed by [Florida law](file:///C%3A%5CUsers%5Cperezne%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5C7XSQBDCQ%5CFlorida%20Alcohol%20Laws.docx) and University regulations ([FIU-2505 Alcoholic Beverages](http://regulations.fiu.edu/regulation%3DFIU-2505), and [FIU-2501 Student Code of Conduct](http://regulations.fiu.edu/regulation%3DFIU-2501)).

**HEALTH RISKS:** Drugs have different effects on each individual, depending on their age, size and sex. The manner in which a particular drug interacts with a person can cause temporary or permanent damage to a person’s body and brain, and can lead to addiction or death. Description of drugs and effects can be found in the [DEA Drug Fact Sheets](http://www.justice.gov/dea/druginfo/factsheets.shtml).

Alcohol is a depressant which leads to the loss of control over judgment, resulting in a loss of inhibitions. It affects physical coordination, causing blurred vision, slurred speech and loss of balance.

**RESOURCES:** A list of on-campus and community resources for drug and alcohol prevention and assistance can be found in the full detailed version of this notification at: <http://studentaffairs.fiu.edu/about/drug-free-campus-notification/index.php>.

(e) **FIU-2505 Alcoholic Beverages Regulation Beverages**

FIU-2505 Alcoholic Beverages.

**(1) GENERAL REQUIREMENTS.**

(a) This regulation shall govern the possession, service, sale, consumption and distribution of alcohol at all Florida International University sponsored events and activities; at all facilities operated under the jurisdiction of the University; to any, and all faculty, staff and students of the University, and their guests attending such events and activities. (b) All activities, locations and individuals, referenced above, shall be governed by, and held accountable to the most stringent requirements of the appropriate state and federal laws, local county ordinances regarding alcohol, and/or this University regulation. (c) Definitions: 1. The term “alcohol” or “alcoholic beverage”, as used in this regulation, includes beer, wine, hard liquor, distilled spirits, mixed drinks, and other beverages containing ethyl alcohol. 2. The term “sponsored by”, as used in this regulation, includes all events and activities, on or off University Premises, supported wholly or in part through funding, services or resources of any University budget entity. 3. The term “individual”, as used in this regulation, includes any employee, student, volunteer or agent of the University, and their invited guests. 4. The term “University premises”, as used in this regulation, includes any facility, vessel, vehicle or real estate, whether owned, leased, rented or temporarily assigned, which is managed and operated under the authority of the University or an authorized agent of the University. (d) No individual under the legal drinking age (minimum of 21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises, unless specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age. (e) No individual may serve or otherwise provide alcohol, for consumption, to individuals under the legal drinking age of 21 years.

**(2) SERVICE, SALE AND DISTRIBUTION.**

(a) Where all other regulation requirements have been satisfied, the approval process for the service, sale or distribution of alcohol on University premises shall be as follows: 1. A written document, contract or agreement, facility reservation form, memo or letter describing the type of event, number of attendees, and appropriate event controls shall be submitted to the Vice President of Student Affairs or his/her designee for approval, at least two weeks prior to the scheduled date. Approval shall be granted based on demonstrated intent to comply with the requirements set forth in paragraphs (2)(b) and (2)(c) of this regulation. The sale or service of alcohol on University premises in the absence of this approval is a direct violation of this regulation. 2. Alcoholic beverages may be sold or served only by trained and service providers with appropriate permits. 3. Any sale of alcohol on University premises shall be in accordance with the requirements of the University’s terms of agreement with the contracted food service provider for the University. NOTE: Although the Vice President of Student Affairs or his/her designee may approve the sale of alcohol on University premises, only the Division of Alcoholic Beverages and Tobacco can issue the required legal permit to sell alcohol in the State of Florida. 4. Upon satisfaction of all legal and regulation requirements, the service and sale of alcoholic beverages on University premises are limited to the locations identified below, or those otherwise authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his/her designee: a. All locations specified on the alcoholic beverage license of the University’s food service contractor. b. University Park: Graham Center (GC) including the Ballrooms; The Faculty Club; The Rathskellar (Gracie’s Grill); The Panther Suite; The Cafeteria & Food Court; The GC Forum & The Pit; The Golden Panther Arena & The Athletic fields/facilities and the FIU Stadium, The Betty Chapman Student Plaza (Fountain area bordered on the North by the GC – on the West by the PC building and on the Southeast by Parking Garage #1), The Art Museum (and adjacent areas in PC); The Wertheim Performing Arts Center; The University House, Cejas School of Architecture Building, and Green Library. c. Biscayne Bay Campus: Wolfe University Center (WUC) Ballrooms, Cafeteria, Panther Square, Hospitality Management Building, Southern Wine and Spirits Management Center, Koven’s Conference Center, Library. d. University Housing and Greek Housing: As authorized in writing by the Vice President for Student Affairs or designee under terms specified within said authorization. e. Other areas: The Wolfsonian-FIU Museums and The Women’s Club. f. Future locations to be determined upon completion of construction or execution of lease agreements. (b) When the service and sale of alcohol has been approved by the duly authorized University official, the following conditions shall apply: 1. Any individual to whom alcohol is sold or served, or who attempts to purchase or consume alcohol on University premises must satisfy the legal age requirement of 21 years, and demonstrate this by showing valid photo identification when asked to do so. Such identification includes: valid photo identification issued by the State of Florida or any other state of the United States, a passport or a United States armed services identification card. 2. Event servers/bartenders and attendants may exercise prudent judgment, consistent with their training, with regard to the appearance of an individual in determining whether they satisfy the minimum age requirement. 3. Servers/bartenders and event attendants shall be properly trained regarding Florida’s underage person laws. Such training shall meet the minimum standards of programs such as TIPS® (Training for Intervention Procedures). 4. Servers/bartenders and attendants shall be at least 21 years old. 5. Individuals shall not bring alcoholic beverages to any University sponsored event. Individuals shall not leave a University event or event area while carrying or holding any type of container of alcoholic beverage. 6. Non-alcoholic beverages and food must be provided in sufficient quantities at all events, and shall be made available for the duration of the event, while alcohol is also available. 7. Non-alcoholic beverages must be available at a price equal to or less than the price of the alcohol being served. 8. At least two printed signs shall be prominently displayed at each event, each of

which must display the following information: NO ALCOHOL SOLD OR SERVED TO MINORS PROOF OF AGE IS REQUIRED NON-ALCOHOLIC BEVERAGES AVAILABLE MANAGEMENT RESERVES THE RIGHT TO DENY SERVICE ASK AN ATTENDANT FOR ASSISTANCE, IF NECESSARY Signs shall meet the following, minimum specifications: size shall be at least 11 inches by 14 inches; no other message shall be included on these signs, however, a single sign may be used to display this information in languages other than English. 9. Alcoholic beverages shall not be used as prizes or awards for any event. 10. “Alcohol tasting” events are subject to all the conditions of this regulation. 11. Competitions or contests that involve alcoholic beverages are strictly prohibited. 12. At least one uniformed member of the University Police Department, or a substitute approved by the Chief of the University Police Department shall be present at all events on University premises at which alcohol is sold or served. 13. The service and sale of alcohol must cease at least one hour before the scheduled and advertised end of the event. 14. The service or sale of alcohol shall not continue at any event on University premises after 1:00 a.m. 15. Reasonable conditions intended to encourage and facilitate the responsible consumption of alcohol imposed by the FIU Executive Committee, the Chief of Police, or the Department of Risk Management and Environmental Health and Safety on an event by-event basis. (c) Applicable Laws and Regulations: Individuals shall adhere to all applicable state and local laws related to the sale or consumption of alcohol. These include, but are not limited to the following: 1. It is unlawful for any person to assist an underage person to purchase or attempt to obtain alcoholic beverages. 2. It is unlawful for any underage person to falsify a driver’s license or other identification document in order to obtain or attempt to obtain alcoholic beverages. 3. It is unlawful for any person to permit use of his/her driver’s license or any other identification document, by an underage person, to purchase or attempt to purchase alcoholic beverages. 4. The burden of proof to demonstrate satisfaction of the legal drinking age requirement is the responsibility of the person desiring alcohol service. 5. It is the responsibility of the server, at the time that an alcoholic beverage is requested to check the photo ID or wristband of persons to be served, or otherwise verify the age of the person to whom alcohol is to be served. Servers reserve the right to deny service. 6. Transportation of any alcoholic beverages on University premises shall be in unopened containers.

**(3) DISTRIBUTION, ADVERTISING AND PROMOTION.**

(a) Advertisement and promotion of the use or consumption of alcohol at any event or activity is prohibited, unless written approval of the content of the advertisement, the size, location and method of distribution of the promotional material are, each and all, specifically reviewed and approved by the Vice President of Student Affairs or his/her designee. Approval shall be granted based on conformance with the requirements set forth in paragraph (3)(c) of this regulation. (b) The following conditions shall also apply: 1. Event sponsors, who are also producers, sellers or distributors of alcoholic beverages shall not be recognized on printed or promotional materials unless authorized by the Vice President of Student Affairs or his/her designee pursuant to paragraph (3)(a) of this regulation. 2. Event sponsors, their subsidiaries, partners, or affiliated companies, which are recognized distributors or marketers of alcohol shall not be recognized on promotional materials for specific events where their products are sold or served, or at concurrent events on University premises, unless authorized by the Vice President of Student Affairs pursuant to paragraph (3)(a) of this regulation. (c) Event planners or University administrators seeking approval for advertising or promotion of the use or consumption of alcohol on University premises shall assure that advertisements and promotional materials satisfy the following minimum requirements prior to requesting approval: 1. Advertisement for alcohol shall not promote the irresponsible use of alcohol. 2. Advertisement shall not encourage behavior or activities that directly conflict with the requirements of this regulation. 3. Advertisement shall not use alcohol as an inducement to participate in a University event and shall not offer alcohol as a prize or gift in any form of contest, raffle, game, or competition. 4. Social events that encourage drinking, drinking contests, or alcoholic intoxication, and the advertisement of any such events are strictly prohibited. 5. General promotional materials, including advertising for any University sponsored event shall not make reference to the availability of alcoholic beverages unless the event is sponsored by the School of Hospitality Management in association with the FIU Beverage Management Program. 6. Advertising for any event sponsored by the FIU School of Hospitality Management where alcoholic beverages will be served and its availability is identified in the promotional material, shall specifically mention the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages.

**(4) TAILGATING AND ATHLETIC EVENTS.**

In addition to all other requirements stated in this regulation, the following requirements shall apply to the service, purchase, use, possession, distribution or consumption of alcohol and alcoholic beverages on University premises at events occurring in conjunction with FIU athletic events and competitions – either before, during or after the games. (a) Alcoholic beverages may be sold, served and consumed within the Stadium Club and Suites at the FIU Stadium, subject to all legal and regulation requirements. Except as to these specified locations or as otherwise approved in accordance with this regulation, alcohol shall not be sold, served or consumed in connection with FIU inter-collegiate athletic events. Individuals with access to the Stadium Club or Suites at the FIU Stadium shall be prohibited from carrying alcoholic beverages to any other locations within the FIU Stadium. The sale or service of alcoholic beverages at non-intercollegiate athletic events shall be considered on an event-by-event basis in accordance with Section 2 above. (b) Individuals and members of the public attending any football game on University premises shall not leave and subsequently re-enter the FIU Stadium at any time before or during the game. (c) Individuals and members of the public are strictly prohibited from entering the football stadium while carrying or bearing any type of container, open or closed, which contains any type of beverage. (d) Event managers and University police reserve the right to deny access, to athletic events, to individuals and members of the public who exhibit behaviors consistent with alcohol intoxication, or who behave in any manner inconsistent with the requirements of this regulation. (e) Tailgating activities on University premises that involve the service, sale or consumption of alcohol shall be restricted to specifically designated locations monitored by the FIU Public Safety Department. (f) The sale, service and consumption of alcohol shall be restricted to specific locations authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his or her designee. (g) The FIU Chief of Police shall prepare and submit an Event Evaluation Summary & Recommendation Report to the Vice President of Student Affairs within 72 hours of each athletic event and shall specifically address findings related to the use or abuse of alcohol at each event on each report. Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History– New 8-12-85, Formerly 6C8-11.005, Amended 4-16-91, 9-3-03, 8-22-04, Formerly 6C8-11.005, Amended 6.18.08.

(f.) **Copy of University Regulatory Compliance Calendar**

|  |
| --- |
| **FLORIDA INTERNATIONAL UNIVERSITY** **2016 COMPLIANCE CALENDAR\*** |
| **SEPTEMBER**  |
| **DUE DATE:** | **REPORT:** | **DEPARTMENT/UNIT:** | **REQUIREMENT:** | **RESOURCES:** |
| ***Mid-SEPTEMBER*** | ***Student & Employee Drug-Free Campus/Workplace Drug and Alcohol Abuse Prevention Annual Notification***  | Student Affairs /Human Resources  | Requires the University to maintain a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. Under the Act, FIU is also required to annually distribute the required information about its Drug and Alcohol program to all faculty, staff and students.  | [The Drug-Free Schools and Communities Act Amendments of 1989](http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf)[The Drug-Free Workplace Act of 1988 (collectively the “Act”)](http://www.dol.gov/elaws/asp/drugfree/screen4.htm) |

(g.) **Copy of Automated University Regulatory Compliance Notification Calendar**

 

**RECOMMENDATIONS FOR REVISING AOD PROGRAMS**

**[*When reviewing prevention programs and recommending program revisions, it is critical to***

***involve key campus and community colleagues in the process. For future prevention efforts,***

***prevention specialists should emphasize increasing the use of evidence-based practice, addressing the most salient issues for their campus and community, and assessing the readiness level of their campus and community for a particular prevention intervention.*]**

1. AOD Task Force Members: Liz Borell – Athletics / Desmond Daniels – Student Conduct and Conflict Resolution / Robert Frye – Student Conduct and Conflict Resolution / Dona Walcott – Healthy Living Programs (BBC) / Ebonie Parris – Healthy Living Program (MMC) / Sandra “Sande” Gracia Jones – College of Nursing / Eric Wagner – Public Health & Social Work/FIU Bridge / Michelle Hospital – FIU Bridge / Melissa Howard – Public Health and Social Work / Residential Life – pending / Isabel Alfonsin Vittoria – Office of Employee Assistance / Mary Reyes – Office of Employee Assistance / Sharice Preston – Public Health Ph.D. student / Wendy Ordonez – Counseling and Psychological Services / Kate Kominars – Counseling and Psychological Services [↑](#footnote-ref-1)
2. The Continuing Criminal Enterprise Statute, commonly referred to as the CCE Statute or “The Kingpin Statute,” is a United States federal law that targets large-scale drug traffickers who are responsible for long-term and elaborate drug conspiracies.( Chapter 13 of [Title 21 of the United States Code](http://en.wikipedia.org/wiki/Title_21_of_the_United_States_Code), [21 U.S.C. § 848](http://www.gpo.gov/fdsys/granule/USCODE-2011-title21/USCODE-2011-title21-chap13-subchapI-partD-sec848/content-detail.html)) [↑](#footnote-ref-2)