



**POLICY: 6Hx28:10-08**

**Responsible Executive:** Vice President, Organizational Development and Human Resources; Vice President, Student Affairs

**Policy Contacts:** Assistant Vice President, Equity & Access

**Specific Authority:** 1001.64 F.S.

**Law Implemented:** Drug-Free School and Communities Act, Amendments of 1989, Public Law 1101-226; Section 22 amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965. 34 CFR Part 86

**Effective Date:** 12-02-2021

**Date of Last Policy Review:** 12-02-2021

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## Drug-Free Campuses and Workplace

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### Policy Statement:

- I. Valencia College (“College”) is committed to providing a safe academic and workplace environment in compliance with the provisions of the Federal Drug-Free Schools and Communities Act of 1989 and applicable local, state, and federal laws, rules, and regulations. The unlawful manufacture, selling, dispensation, possession, use, distribution of or being under the influence of illicit (illegal) drugs and/or alcohol by Valencia College students or employees on College premises or as part of any College activity is prohibited. The College can make available external resources for students and employees to seek counseling, treatment, rehabilitation, and education regarding alcohol abuse and illicit drug use.
- II. The College President or a designee is authorized to impose disciplinary actions for students and employees (consistent with local, state, and federal law), up to and including expulsion for students or dismissal from employment for employees, and referral to law enforcement for violations of standards of conduct required by this policy. For the

purposes of this policy, the College may impose in its discretion a disciplinary sanction that may include the completion of a drug assistance or rehabilitation program approved for such purposes by the Federal, State or local health, law enforcement, or other appropriate agency.

- III. The President or designee shall establish appropriate programs and procedures to implement this policy.

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**Policy History:**

Adopted 10-17-90; Amended 11-18-92; Amended 12-02-21; Formerly 6Hx28:04-41; Formerly 6Hx28: 10-08.1

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**Related Documents/Policies:**

Amends Policy 6Hx28: 10-08.1 and Combines Policy 6Hx28: 10-08.2 (repealed 12-02-2021)

College Policy 6Hx28: 3D-06.2 Fitness for Duty

College Policy 6Hx28: 3E-08 Disciplinary Action

College Policy 6Hx28:8-03 Student Code of Conduct

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**Procedures:**

- I. Each employee and each student enrolled in one or more classes for any type of academic credit (regardless of the length of the student's program of study) shall be provided an annual notice that includes the following (Appendix 1):
- A. Standards of conduct for students and employees on a College campus/property, at College-sponsored events, or as part of any College activities, that prohibit at a minimum:
1. Being under the influence of alcohol, illicit drugs, and/or prescription medication without a prescription; and/or
  2. The unlawful manufacture, selling, dispensation, possession, use, or distribution of illicit drugs (including drug paraphernalia and prescription medication without a prescription) and/or alcohol. The College is permitted to serve alcohol as part of its official programs and activities in accordance with applicable laws.

Note: As a recipient of federal funding and to comply with Drug-Free Schools and Communities Act regulations (Education Department General

Administrative Regulations-EDGAR Part 86), Valencia College is required to continue to prohibit the use, possession, and distribution of all federally controlled substances, including marijuana. Although state law may permit the use of medical marijuana, federal law prohibits marijuana use or possession. State law does not require Valencia College to accommodate the medical use of marijuana in the classroom, in the workplace, or by individuals attending class or working while under the influence of marijuana. The manufacture, selling, dispensation, possession, use, distribution, or being under the influence of marijuana for medical purposes is not allowed on any College property, at any College-sponsored event, or as part of any College activities for any purpose by employees or students.

- B. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- C. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- D. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- E. A statement that the College will impose disciplinary sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion for students or dismissal from employment for employees and referral to law enforcement for violations of the standards of conduct required by this policy. For the purpose of this policy, the College may impose at its discretion a disciplinary sanction that may include the completion of a drug assistance or rehabilitation program approved for such purposes by the Federal, State or local health, law enforcement, or other appropriate agency.

## II. Students

- A. Students are responsible for adhering to applicable college policies including the student code of conduct. Students who violate standards of conduct required by this policy and/or procedure may receive disciplinary action up to and including expulsion from the College in accordance with College Policy 8-03 Student Code of Conduct in addition to referral to law enforcement which may result in criminal sanctions under applicable federal, state, and local laws.
- B. Students seeking professional resources for alcohol and/or drug-related issues are encouraged to contact BayCare assistance services at (800) 878-5470 to speak to a professional counselor or through Video Relay Interpreters, Telecommunications Relay Service (TRS); or via email at BayCareSAP@baycare.org. If needed, the student may be referred to other appropriate external resources.

### III. Employees

- A. As a condition of employment, employees must abide by the terms of this policy and related procedures to include reporting to work fit for duty and performing their jobs in a safe manner. If there is reasonable cause when an employee is exhibiting patterns of behavior which suggest impairment in violation of this policy, the employee may be placed on an administrative leave of absence until an assessment is made to determine if an employee's continued presence at the workplace may pose a safety concern to themselves, others, or property, or may interfere with the College's ability to effectively provide services. For additional information, see College Policy 6Hx28: 3D-02 Leaves of Absence and College Policy 6Hx28: 3D-06.2 Fitness for Duty.
- B. Employees seeking professional resources for alcohol and/or drug-related issues are encouraged to contact their health care provider and/or the College's Employee Assistance Program (EAP). For more information regarding EAP services and/or local resources, employees are encouraged to contact Organizational Development and Human Resources (ODHR) at 407-299-5000 extension 4748 (HR4U) or [HR4U@valenciacollege.edu](mailto:HR4U@valenciacollege.edu) during normal business hours.
- C. Employees are required to notify their supervisor as soon as possible of any alcohol or drug-related arrest, notice to appear, or information filed against an employee by a prosecuting official on an alleged violation of the law arising from the use of drugs and/or alcohol in the workplace, while engaged in offsite work, or while off duty. Upon receiving such notification, the supervisor must immediately notify Organizational Development and Human Resources at 407-299-5000 extension 4748 (HR4U) or [HR4U@valenciacollege.edu](mailto:HR4U@valenciacollege.edu) for a collaborative evaluation of appropriate next steps.
  1. Employees who are arrested or indicted are not subject to discipline solely on the basis of an arrest. Incidents shall be evaluated including information not limited to:
    - a. circumstances surrounding the arrest and/or work relatedness;
    - b. Drug Free Workplace Act regulation obligations; and/or
    - c. any other relevant information.
  2. Employees are required to notify their supervisor as soon as possible of the case disposition of any alcohol or drug-related charge(s). Upon receiving such notification, the supervisor must immediately notify Organizational Development and Human Resources at 407-299-5000 extension 4748 (HR4U) or [HR4U@valenciacollege.edu](mailto:HR4U@valenciacollege.edu) for a collaborative evaluation of appropriate next steps.

- a. In compliance with the Federal Drug Free Workplace Act, a federal grant employee is required to notify their supervisor within five calendar days of any alcohol or drug-related conviction arising from the use of drugs and/or alcohol in the workplace. If a federal grant employee has an alcohol and/or drug-related conviction, the College shall notify the appropriate Federal Grant Agency within ten (10) days from the employee notification. Within thirty (30) days of receiving an employee's notification of a criminal drug conviction resulting from behavior that occurred in the workplace, the College will evaluate the circumstances and impose appropriate action.

D. Employees who violate this policy and/or procedure may receive disciplinary action up to and including dismissal from employment and/or applicable criminal sanctions provided by applicable federal, state, and local laws. For additional information, see College Policy 6Hx28: 3E-08 Disciplinary Action.

- 1. The employee procedure shall apply when a student is working as an employee at the time an applicable incident occurs or when an employee is also enrolled in a class at the time an applicable incident occurs, which may result in sanctions affecting employment and/or enrollment.

IV. A biennial review shall be conducted by the College of its program to:

- A. Determine its effectiveness and implement changes to the program if they are needed; and
- B. Ensure that the disciplinary sanctions described in the procedures of this policy are consistently enforced.

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## **Procedure**

### **History:**

Adopted 10-17-90; Amended 11-18-92; Amended 12-02-2021; Formerly 6Hx28:04-41; Formerly 6Hx28: 10-08.1

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**Date of Last Procedure Review:** 12-02-2021

Appendix 1:

## **DRUG FREE SCHOOLS AND COMMUNITIES ACT**

In compliance with the provisions of the Drug Free Schools and Communities Act Amendments  
6Hx28:10-08

of 1989, Valencia College has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

Valencia College presents the following information for your knowledge and in promotion of healthy lifestyles:

- Student and Employee Policy and Student Code of Conduct
- Health Risks Associated with Substance Abuse
- Legal Sanctions: Federal and State
- Drug/Alcohol Counseling and Treatment
- Institutional Disciplinary Sanctions

### **Student and Employee Policy and Conduct**

It is the policy of Valencia College to promote a safe, healthy and productive academic and workplace environment for all students and employees. The unlawful manufacture, selling, dispensation, possession, use, distribution, or being under the influence of illicit drugs and/or alcohol by Valencia College students or employees on College premises or as part of any College activity is prohibited. The College has available resources for students and employees to seek counseling, treatment, rehabilitation, and education regarding alcohol abuse and illicit drug use.

Incidents involving allegations of standards of conduct violations shall be evaluated within the guidelines of applicable College policies and procedures, and where appropriate, local, state, and federal laws, rules, and regulations. The College is authorized to impose disciplinary sanctions on students and employees for violations of standards of conduct required by this policy consistent with local, state, and federal law up to and including expulsion for students or dismissal from employment for employees and referral for prosecution.

Employees and students are responsible for becoming familiar with and adhering to College Policy 6Hx28: 10-08.1 Drug-Free Campuses and Workplace. The Drug-Free Campuses and Workplace policy is contained within the Valencia College Policy Manual, the Employee Handbook, and Student Handbook.

### **Health Risks Associated with Substance Abuse**

The use of alcohol, controlled substances, prescription drugs or illegal substances can have a wide range of short- and long-term, direct and indirect effects. These effects often depend on the specific substances or drugs used, how they are taken, how much is taken, the person's health, and other factors. Short-term effects can result in a wide range of physical, emotional, and social challenges, and health effects may occur after just one use. A continued pattern of substance abuse increases the risk of health problems, impairment in interpersonal relations, work and/or school productivity. Longer-term effects may include significant health problems and can lead to addiction.

An individual that uses alcohol or any other substance to the extent that it impairs their ability to function socially or interferes with their ability to work or go to school may develop thinking and behavior changes. As a result of structural changes to the brain and the brain's communication pathways, an individual can show abnormalities in sections of their brain needed for judgment, decision making, learning, memory, behavior, and movement. Repeated substance use can make these brain alterations irreversible, which consequently add significant physical and mental health problems. The brain change affects an individual's personality which impairs their ability to function normally, progressively, and may interfere with an individual's life and how they experience normal pleasures, the ability to control their stress level, moods and behaviors, their decision-making, and most importantly, their ability to learn.

The cycle of substance abuse can be very difficult to break due to physiological changes in the brain and other organs. Professional help is often needed to help an individual's awareness of the condition, and to develop a plan for recovery and prevention.

## **Alcohol**

Despite the legal status of alcohol, prolonged use opens the potential for many harmful health risks and possible addiction. Short-term health risks, most often the result of binge drinking, may include:

- injuries, such as motor vehicle crashes, falls, drownings, and burns;
- violence, including suicide, sexual assault, and intimate partner violence;
- alcohol poisoning;
- risky sexual behaviors; and/or
- miscarriage and still birth or fetal alcohol spectrum disorders among pregnant women.

Long-term, excessive alcohol use can lead to the development of chronic disease or other serious issues, including high blood pressure, heart disease, liver disease, digestive problems, cancer, weakening of the immune system, mental health issues, learning or memory issues, social problems, alcohol use disorders, and alcohol dependence.

## **Controlled Substances and Prescription Drugs**

Taking a medication in a manner or dose other than prescribed is the misuse or *nonmedical use* of prescription drugs. This includes taking someone else's prescription or taking a medication to feel euphoria (i.e., to get high). The three classes of medication most commonly misused are opioids, central nervous system depressants (including tranquilizers, sedatives, and hypnotics), and stimulants. Generally, opioids are prescribed to treat pain, benzodiazepines to treat anxiety, hypnotics for sleep disorders, and amphetamines to treat a spectrum of attention-deficit disorders (ADD).

Prescription drug misuse can have serious medical consequences. Increases in prescription drug misuse over the past decade have resulted in increased emergency room visits, overdose deaths associated with prescription drugs, and treatment admissions for prescription drug use disorders, the most severe form of which is an addiction.

## Illicit Substances

Illicit substances refer to highly addictive and illegal drugs such as cocaine, ecstasy, fentanyl, hallucinogens, heroin, inhalants, ketamine, LSD, marijuana, and methamphetamine; some of these substances can cause an addiction after a single use. Illicit substance abuse disorder is marked by a physical and psychological dependence on the substance and people who become addicted to certain illicit substances are at a high risk of overdose.

Many illicit substances pose serious health risks, even when taken in small doses, and can lead to many severe adverse health consequences such as irregular heartbeats, increased or decreased blood pressure, heart attack, sudden cardiac arrest, convulsions, multiple organ problems, strokes, coma, or death.

### References and Resources:

[Alcoholics Anonymous \(AA\)](#)

[Campus Drug Prevention – Drug Identification](#)

[Drugs of Abuse, A DEA Resource Guide/2020 Edition](#)

[National Institute on Drug Abuse \(NIDA\)](#)

[Narcotics Anonymous \(NAWS\)](#)

[Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#)

### Legal Sanctions: Federal and State

Federal

## Federal Trafficking Penalties

[2020 Edition – U.S. Drug Enforcement Administration \(pages 36-37\)](#)

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs., and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	5kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs., and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	



LSD (Schedule I)	1-9 grams mixture	<b>Second Offense:</b> Not less than 10 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	10 grams or more mixture	<b>Second Offense:</b> Not less than 20 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>Two or more Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	
DRUG/SCHEDULE		QUANTITY	PENALTIES	
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	1 gram	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	
Flunitrazepam (Schedule IV)			<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.	
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 yrs. If death or serious injury, not more than 15 yrs., or more than life. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.		
		<b>Second Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		
		<b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

### Federal Trafficking Penalties–Marijuana

DRUG/SCHEDULE	QUANTITY	1st OFFENSE	2ND OFFENSE
Marijuana (Schedule I)	1,000 kg or more marijuana	Not less than 10 yrs. or more	Not less than 20 yrs. or more

	mixture; or 1,000 or more marijuana plants	than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999kg marijuana mixture; or 100-999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50-99 kg marijuana mixture More than 1 kg of hashish oil; 50-99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\* The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual, \$75 million if other than an individual.

## State and Municipal Laws

1. **Drinking Age:** The legal drinking age in Florida is 21. The furnishing of alcohol to a person under 21 and the purchase and/or possession of alcoholic beverages by a person under 21 is prohibited, unless it is a student who is at least 18 years of age and who is tasting the alcoholic beverages as part of the student's required curriculum. (Section 562.111 F.S.) It is unlawful for any person to misrepresent or misstate their age. This includes the manufacture or use of false identification to procure alcoholic beverages.
2. **Alcohol/Drugs, Driving and the Law:** Under Florida law, it is unlawful to have an open container of alcoholic beverage in a vehicle and to drive under the influence of alcohol or other drugs.

3. Illicit Drugs: Under Florida law, it is unlawful to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance.
4. Selling or Purchasing Controlled Substances within 1,000 Feet of School: It is unlawful for any person to sell, purchase, manufacture, or deliver, or possess with the intent to sell, purchase, manufacture, or deliver, a controlled substance in or within 1,000 feet of the real property comprising a public or private elementary, middle, secondary school, college, or university.

The punishment for violations of law involving alcohol and illicit drugs may include imprisonment, payment of a fine, mandatory treatment and education programs, community service, and/or mandatory loss of an individual's driver's license.

### **Student and Employee Drug/Alcohol Counseling and Treatment**

Alcohol and drug education, counseling, and/or treatment information and resources are available to students and employees as follows:

#### **Students**

- Valencia College Counseling Services (Advising Center-[Counseling Support Form](#));
- BayCare Behavioral Health; and/or
  - Website: [www.baycare.org/sap](http://www.baycare.org/sap)
  - Phone number: 1-800-878-5470
  - Email: [BayCareSAP@baycare.org](mailto:BayCareSAP@baycare.org)
- Substance Abuse and Mental Health Services Administration (SAMHSA)
  - 1-800-662-HELP (4357)
  - TTY: 1-800 487-4889

#### **Employees**

Full-time employees: Employee Assistance Program (EAP) 866-248-4094 (24 hours a day, 365 days a year) and use the access code: Valencia; or [www.liveandworkwell.com](http://www.liveandworkwell.com) (access code: Valencia)

Part-Time employees: [United Way 211](#) (Dial 211 or 407-893-4357, text zip code to 898-211, or chat with an operator via <https://www.hfuw.org/gethelp/>)

All employees: Substance Abuse and Mental Health Services Administration (SAMHSA)

- 1-800-662-HELP (4357)
- TTY: 1-800 487-4889

## **Institutional Disciplinary Sanctions**

### **College Sanctions**

By accepting employment or enrolling at Valencia College, employees and students are responsible for becoming familiar with, provide consent to, and agree to comply with all policies and procedures of the College as applicable, to include all applicable federal and state laws, rules, and regulations.

The college will impose appropriate sanctions on students and employees for violations of standards of conduct relating to alcohol and drug use in accordance with applicable College policies, Student Handbook, and/or Employee Handbook.

### **Students**

The following are disciplinary measures that may be taken by the College on students and student organizations for violations of standards of conduct, applicable College policies, and/or Student Handbook relating to drug and/or alcohol:

1. Warning – notice, oral or written, that prohibited conduct may be cause for additional disciplinary action if repeated in the future.
2. Censure – a written reprimand for violation of specified regulations, including a warning that prohibited conduct may be cause for additional disciplinary action if repeated in the future.
3. Disciplinary Probation – status assigned for a designated period of time, during which any other violation of the Code of Conduct may result in suspension or dismissal from the College. Students on disciplinary probation may not hold or run for any elected or appointed positions. Additional conditions appropriate to the violation may be imposed.
4. Restitution – repayment to the College or others affected for damages resulting from a violation of this Code.
5. Suspension – exclusion from College premises and other privileges or activities for a period of time as set forth in the suspension notice. This action will be permanently recorded on the student’s record.
6. Dismissal or Expulsion – permanent termination of student status and exclusion from

College premises, privileges, and activities. This action will be permanently recorded on the student's record.

7. Other Sanctions – other sanctions may be imposed instead of or in addition to those specified in sections (1) through (6) above.

### **Employees**

Violations of standards of conduct relating to drug and/or alcohol may result in disciplinary action. Disciplinary actions are usually corrective and progressive in nature; however, serious misconduct or violation of laws and/or college policies, procedures, and practices may warrant disciplinary action, including dismissal outside of the corrective and progressive approach. Sanctions may include and are not limited to coaching, written counseling, written reprimand, suspension, demotion, return to annual contract (as applicable), dismissal from employment, the completion of an appropriate drug assistance or rehabilitation program, or other appropriate development opportunity or program, and/or referral for prosecution. To ensure equitable processing of corrective and/or disciplinary actions, and in accordance with specific position regulations, supervisors must consult with a representative from Organizational Development and Human Resources prior to the implementation of such action(s).