

**OLD DOMINION UNIVERSITY**  
**University Policies and Procedures**

**6603 - UNIVERSITY DRUG AND ALCOHOL POLICY**

Statement: The U.S. Department of Education's Drug Free Schools and Communities Act requires that as a condition of receiving any form of financial assistance under any Federal Program, an institution of higher education must adopt and implement a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. This policy establishes the required components of that program.

University policy prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students, faculty and staff on University property (leased or owned) or at any University sponsored activity, regardless of its location. Additionally, drunken or disorderly behavior on property owned or controlled by the University, or at functions sponsored or supervised by the University are prohibited. Students may consume alcoholic beverages in residence hall rooms only if they have reached the legal drinking age of 21. The use or possession of alcoholic beverages in public areas is strictly prohibited unless specifically authorized in writing by the Director of Residence Life. Faculty and staff may only be authorized to consume alcoholic beverages on campus at events approved by the appropriate Dean or Vice President.

Local, Federal and State Legal Sanctions

Faculty, staff or students found in violation of this policy are subject to the following local, State and Federal laws:

CONTROLLED SUBSTANCES

Distribution

Except as authorized in the Drug Control Act, Chapter 34, §54.1-3400 through §54.1-3472 of the Code of Virginia it shall be unlawful for any person to manufacture, sell, give, distribute or possess with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance. §18.2-248, Code of Virginia.

A "controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of Chapter 34, but does not include distilled spirits, wine, malt beverages, or tobacco. §54.1-3401, Code of Virginia.

(A copy of the referenced schedules are attached for reference.)

An "imitation controlled substance" means a pill, capsule, or tablet or substance in any form whatsoever which is not a controlled substance, but which is subject to abuse... §18.2-247, Code of Virginia.

Upon conviction, the legal sanctions imposed for a violation of §18.2-248 of the Code are as follows:

With respect to controlled substances in Schedules I or II -imprisonment for not less than five nor more than forty years and a fine of not more than \$100,000; for a second or subsequent conviction of a violation involving an opiate or synthetic opiate drug (Schedule I or II) a sentence of imprisonment for life, or for any period not less than five years, and a fine of not more than \$100,000 may be imposed. §18.2-248, Code of Virginia.

"If a person proves that he(she) gave, distributed or possessed with intent to give or distribute a controlled substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility or state correctional facility... or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected not to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall be guilty of a Class 5 felony. §18.2-248, Code of Virginia.

Under Virginia law a Class 5 felony conviction carries a punishment of imprisonment not less than 1 year nor more than 10 years, or a jury or court may confine the convicted violator in jail for not more than 12 months and fine not more than \$1,000, either or both.

A person who violates §18.2-248 with respect to a controlled substance classified in Schedules III, IV, or V shall be guilty of a Class 1 misdemeanor.

Under Virginia law a conviction for a Class 1 misdemeanor carries a penalty of confinement in jail for not more than 12 months and a fine of not more than \$1,000, either or both.

A person who violates §18.2-248 with respect to an imitation controlled substance shall be guilty of a Class 1 misdemeanor.

### Possession

It is unlawful to knowingly or intentionally possess a controlled substance unless the substance is obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or as authorized by the Drug Control Act. §18.2-250, Code of Virginia.

Penalties Upon Conviction for Violations of §18.2-250 are:

Controlled substances in Schedule I and II of Drug Control Act - Class 5 Felony

Controlled substances in Schedule III - Class 1 Misdemeanor

Controlled substances in Schedule IV - Class 2 Misdemeanor  
(confinement in jail for not more than 6 months and fine not more than \$500, either or both)

Controlled substances in Schedule V - Class 3 Misdemeanor  
(fine of not more than \$500)

Controlled substances in Schedule VI - Class 4 Misdemeanor  
(fine of not more than \$100)

## MARIJUANA

### Manufacture, Sale/Distribution

Except as authorized in the Drug Control Act, Chapter 34 of Title 54.1, it shall be unlawful for any person to sell, give, distribute or possess with intent to sell, give or distribute marijuana. §18.2-248.1, Code of Virginia.

Penalties upon conviction for violations of §18.2-248.1 are:

- (1) Not more than one-half ounce of marijuana - Class 1 misdemeanor;
- (2) More than one-half ounce but not more than five pounds of marijuana - Class 5 felony;
- (3) More than five pounds of marijuana - felony conviction punishable by imprisonment of not less than five nor more than thirty years.

If such a person proves that he gave, distributed or possessed with intent to give or distribute marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the marijuana to use or become addicted to or dependent upon such marijuana, he shall be guilty of a Class 1 misdemeanor. §18.2-248.1.

Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture such substance, not for his own use is guilty of a felony punishable by imprisonment of not less than five nor more than thirty years and a fine of not to exceed \$10,000.

### Possession

Unlawful for any person to knowingly or intentionally possess marijuana unless substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act.

Conviction of a violation of §18.2-250.1 is a misdemeanor penalized by confinement in jail not more than thirty days and a fine of not more than \$500, either or both; any person, upon second or subsequent conviction is guilty of Class 1 Misdemeanor. §18.2-250, Code of Virginia.

## ALCOHOL

Alcoholic beverages include alcohol, spirits (mixed drinks), wine (containing 3 2/10 percent or more of alcohol by weight) and beer (includes ale, porter, stout). §4-2, Virginia Code.

### Sale/Possession

§4-63 of the Code provides:

- A. If any person shall, except pursuant to the provisions of §4-48 or §4-50, sell any alcoholic beverages to any person and at the time of such sale shall know or have reason to believe that the person to whom the sale is made is (i) less than twenty-one years of age, except as to beer as provided herein or (ii) interdicted, or (iii) intoxicated, he shall be guilty of a misdemeanor. If a person shall sell beer to another person and at the time of such sale shall know or have reason to believe that the person to whom the sale is made is less than twenty-one years of age or had not attained the age of nineteen years by July 1, 1985, he shall be guilty of a misdemeanor.
- B. If any person to whom an alcoholic beverage may not lawfully be sold under this section shall purchase or possess any alcoholic beverage, except [pursuant to the provisions of §4-48 or §4-50, he shall be guilty of a misdemeanor. In addition to the penalties otherwise prescribed for a violation of this section, upon conviction, such person's license to operate a motor vehicle in this Commonwealth may be suspended for a period of not more than one year. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with the provisions of §4-55.

### Drug and Alcohol Health Risks

The Health Risks associated with the use of illicit drugs and alcohol are many. The Student Health Center and the Counseling Center can provide information and assistance with both drug and alcohol

issues. The following is just a sampling of some of the health risks that are associated with the most commonly used drugs:<sup>1</sup>

Marijuana (Cannabis):

- Lung disease
- Brain damage
- Increased risk of heart attack
- Immune system suppression

Narcotics (Opium derivatives or opiates):

Heroin:

- Blood poisoning
- Hepatitis
- Abscesses of the liver, brain and lungs
- Addiction

Dilaudid:

- Respiratory depression
- Nausea
- Convulsions
- Coma

Stimulants:

Cocaine:

- Anxiety
- Paranoia
- Hallucinations
- Respiratory failure
- Weight loss
- Convulsions
- Heart attack
- Severe depression

Amphetamines/Methamphetamines:

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<sup>1</sup>Drugs of Abuse Digest, Institute for Substance Abuse Research, 1989

Hallucinations  
Skin disorders  
Ulcers  
Weight loss  
Depression  
Brain damage

Depressants:

Barbiturates:

Slurred speech  
Disorientation  
Coma

Hallucinogens:

LSD:

Depression  
Suicide  
Flash back experiences

PCP:

Violent and erratic behavior  
Confusion  
Delirium  
Hallucinations  
Convulsions  
Heart and lung failure  
Brain damage  
Paranoia

Anabolic Steroids:

Stunt body growth  
Edema  
Elevated blood pressure  
Hypertension  
Heart disease

Kidney and heart failure  
Liver tumors  
Severe depression  
Manic behavior  
Delusions  
Hallucinations

Alcohol:

Cirrhosis of the liver  
Convulsions  
Hallucinations  
Heart disease  
Ulcers and gastritis  
Oral cancer

Available Drug or Alcohol Counseling and Treatment

The State Employee Assistance Service (SEAS) is a confidential counseling, assessment, and referral service developed to help state employees cope with drug and alcohol as well as other problems. The branch office which services Old Dominion University is located at 861 Glenrock Road, Norfolk (phone 455-3829). Services are available for all employees including graduate assistants and other student employees. Services are confidential and without charge.

Students who wish help with drug and alcohol problems can contact the Old Dominion University Counseling Center at extension 3-5815. Counseling Services are available to all students on a scheduled appointment basis.

In addition to the above services, many community resources are available to provide services to faculty, staff and students experiencing drug and alcohol problems. The Counseling Center can provide information regarding these services.

Disciplinary Sanctions

The University wishes to provide all reasonable assistance to faculty, staff, and students in dealing with alcohol and drug problems. The imposition of disciplinary sanctions will occur only after an individual is offered an opportunity to correct and fails to effectively deal with their problem or where the employee/ student has committed a serious violation of University or Federal/ State law.

Disciplinary sanctions for faculty, staff, and students engaged in the unlawful manufacture, use, or distribution of illicit drugs or alcohol on University property are as follows:

Faculty/Staff - Disciplinary action up to and including discharge and participation in a drug abuse assistance or rehabilitation program at the discretion of management. Faculty sanctions for such violations shall be in accordance with the rules specified in the Faculty Handbook. Classified employee sanctions for such violations shall be in accordance with the Commonwealth's Standards of Conduct Policy.

Students - Disciplinary action up to and including disciplinary dismissal in accordance with the rules specified in the Student Handbook and Residence Hall Handbook. Sanction may otherwise include a letter of reprimand, disciplinary probation, or disciplinary suspension. Mandatory alcohol or drug education may be a required portion of the sanction.

**Policy Distribution:**

A condensed version of this policy shall be distributed annually to every Old Dominion University employee and student in accordance with the Drug Free Schools and Communities Act.

**Responsibility:** President, Vice Presidents, Academic Deans, Dean of Student Life, Director of Personnel, as appropriate.

**Authorization:** James V. Koch, President

**Date:** October 8, 1990

**Effective Date:** October 8, 1990