

HUMAN RESOURCES

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Drug-Free Schools And Campuses Policy

Issue Date: September 1990; Revised December 2004, December 2006, December 2008, January 2010, October 2016, December 2017, November 2021

Policy Number: 11

Policy Applies to: All Employees

In order to comply with the Drug-Free Schools and Communities Act (Pub. L. No. 101-226, Title 34 C.F.R., part 86), Nova Southeastern University has adopted the following policy for all workplace, school, campus, and field-based programs.

The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs* and alcohol are prohibited in and on Nova Southeastern University owned or controlled property and as a part of any of its activities. No Nova Southeastern University employee shall report to work while under the influence of any illicit drugs or alcohol. The possession of paraphernalia for unlawful drug use is also prohibited.

* The term "illicit drugs" refers to all illegal drugs, and to legal drugs obtained or used without a physician's order. It does not prohibit the use of prescribed medication under the direction of a physician. However, in accordance with Federal law, NSU does not permit the possession or use of marijuana on NSU property or during NSU-sponsored activities for any purpose. As such, the possession or use of medical marijuana, even if authorized under state law, is prohibited on NSU property and during NSU-sponsored activities.

Nova Southeastern University requires that an employee notify his or her supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. In order to comply with Federal law, Nova Southeastern University must notify any Federal-contracting agency within ten days of having received notice that an employee engaged in the performance of a Federal contract or grant has had a criminal drug statute conviction for a violation occurring in the workplace. The University will discipline any employee who is so convicted and/or require the employee's satisfactory participation in a drug/alcohol abuse assistance or rehabilitation program within 30 days of notice of such conviction.

Any Nova Southeastern University employee determined to have violated this policy will be subject to referral for prosecution by the appropriate authorities. Other sanctions include evaluation/treatment for drug use disorder (which may include mandatory completion of a drug/alcohol abuse rehabilitation program), suspension, or termination.

All Nova Southeastern University faculty and employees will, as a condition of their employment, abide by the terms of this policy.

Substance Abuse Programs

There are serious health risks associated with the abuse of drugs and alcohol (see link below, "Controlled Substances - Uses and Effects"). If you, a fellow student, teacher, or co-worker has a problem with abuse of drugs and/or alcohol, help can be provided at programs at NSU and in the community.

[Controlled Substances - Uses and Effects](#)

NSU Programs

Henderson Student Counseling Center

For an appointment, call (954) 424-6911 or (954) 262-7050
3538 S. University Drive (in University Park Plaza)
Davie, FL 33328

<http://www.nova.edu/healthcare/student-services/student-counseling.html>

Healthy Lifestyles Guided Self-Change Program

For an appointment, call (954) 262-5968 or email: gsc@nova.edu
3301 College Avenue
Fort Lauderdale, FL 33314

www.nova.edu/gsc

Community Programs

Florida Department of Education, Office of Safe Schools

325 West Gaines Street, Room 1444
Tallahassee, FL 32399
(850) 245-0416
Email: SDFS@fldoe.org

<http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/index.stml>

Florida Department of Children and Families

Substance Abuse Program Office

1317 Winewood Boulevard
Bldg. 6, Room 299
Tallahassee, FL 32399
Tel: (850) 487-2920

<http://www.myflfamilies.com/service-programs/substance-abuse>

Broward Behavioral Health Coalition

1715 SE 4th Avenue
Fort Lauderdale, FL 33316
Tel: (954) 622-8121

<http://www.bbhcflorida.org/>

Alcoholics Anonymous

(954) 462-0265

Narcotics Anonymous

(954) 476-9297

Federal Penalties

When you use or deal in drugs or abuse alcohol, you also risk incarceration and/or fines. The Federal Sentencing Guidelines outline Federal penalties for trafficking in drugs, and are detailed in the DEA Resource Guide, *Drugs of Abuse – 2017 Edition*, pp. 30-31, which is available

at: <https://www.getsmartaboutdrugs.gov/sites/getsmartaboutdrugs.com/files/publications/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant.pdf>

Florida Penalties

In addition to the Federal Sanctions, Florida State Statutes provides sanctions in regard to the use, possession, and/or sale of illicit drugs and the abuse of alcohol. Punishment varies depending upon the amount and type of drug and/or alcohol involved. Felony convictions range from one year to life imprisonment. Misdemeanor convictions range from less than 60 days to one-year imprisonment.

Below are summaries of key criminal statutes that relate to the University setting. However, in no way do the summaries listed include all of the statutes governing illegal drugs or alcohol usage in the state of Florida. For further information, please refer to Chapters 316 and 893 of the [Florida Statutes](#), or consult with a legal representative of your choosing.

Sale, Purchase, Possession, Manufacture, or Delivery of Controlled Substances

§ 893.13, Fla. Stat.

It is unlawful for any person to sell, purchase, manufacture, or deliver, or possess with intent to sell, purchase, manufacture, or deliver, a controlled substance. Violation of this statute is a felony and is punishable under Chapter 775 of the Florida Statutes. 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 fine

Felony in the second degree: Up to 15 years imprisonment and a \$10,000 fine

Felony in the third degree: Up to 5 years imprisonment and a \$5,000 fine

Misdemeanor in the first degree: Up to 1 year imprisonment and a \$1,000 fine

Misdemeanor in the second degree: Up to 60 days imprisonment and a \$500 fine

Non-criminal charge: other fines and civil penalties determined by a court

§ 893.13(3), (6), Fla. Stat.

Delivery or possession of 20 grams or less of cannabis is punishable as a misdemeanor in the first degree.

§ 893.13(1)(c), Fla. Stat.

It is unlawful for any person to sell, purchase, manufacture, deliver, or to possess with the intent to sell, purchase, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. [402.302](#) or a public or private elementary, middle, or secondary school. Punishment varies depending on the type of controlled substance.

§ 893.13(1)(d), Fla. Stat.

It is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or

other postsecondary educational institution. Punishment varies depending on the type of controlled substance.

Alcohol- or Controlled Substances-related Motor Vehicle Violations

§ 316.1936, Fla. Stat.

It is unlawful for any person to possess or consume an open container of alcoholic beverage while operating a vehicle in the State; or while a passenger in or on a vehicle being operated in the State; or while seated in or on a motor vehicle that is parked or stopped within a road. Violation of this law will result in a non-criminal moving traffic violation punishable as provided in Chapter 318 of the Florida Statutes, with fines and points on a driving record leading to driver's license suspension. A passenger who violates this section is guilty of a nonmoving traffic violation punishable as provided in Chapter 318.

§ 316.193, Fla. Stat.

A person is guilty of driving under the influence if such a person is driving or in actual physical control of a vehicle within the State, and the person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any controlled substance under chapter 893 when affected to the extent that his/her normal faculties are impaired, or the person has a blood or breath alcohol level of 0.08 percent or higher. First conviction on such a DUI charge will result in a fine not less than \$500 or more than \$1000, and imprisonment not more than six months. Second conviction results in a fine of not less than \$1000 or more than \$2,000 and not more than nine months imprisonment.

A second conviction requires mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license.

A third conviction that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license.

A third conviction that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$2,000 or more than \$5000 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license.

A fourth or subsequent conviction, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than \$2,000.

NOTE: By applying for a driver's license and accepting and using a driver's license, a person holding the driver's license is deemed to have expressed his/her consent to submit to breath, blood, and urine tests for alcohol, chemical substances, or controlled substances. Fla. Stat. § 316.1932(1)(e)(1)

§ 562.111, Fla. Stat.

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.

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. 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)

§ 562.11, Fla. Stat.

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.

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.

Anyone convicted of violating the provisions of 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)