

Drug-Free Schools and Campuses

Issue Date: September 1990; Revised December 2004, December 2006, December 2008, January 2010

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 or student shall report to work or school while under the influence of any illicit drugs or alcohol.

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 the following locations.

NSU Programs:

Student Counseling Service
For an appointment, call (954) 262-7050

Guided Self Help Change Program
For an appointment, call (954) 262-5968

Community Programs:

Florida Department of Education, Office of Safe Schools
325 West Gaines Street, Room 501
Tallahassee, FL 32399
(850) 245-0416
Email: SDFS@fldoe.org

Florida Department of Children and Families
Substance Abuse Program Office
1317 Winewood Boulevard
Bldg. 6, Room 330

Tallahassee, FL 32399
(850) 487-2920
<http://www.dcf.state.fl.us/mentalhealth/sa/>

* 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.

When you use or deal in drugs, you also risk incarceration and/or fines. The Federal Sentencing Guidelines (see link below) indicate Federal penalties for trafficking in drugs.

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 dependent upon the amount and type of drug and/or alcohol involved. Felony convictions range from one year to life imprisonment. Possession of not less than 20 grams of cannabis is punishable as a misdemeanor of the first degree. Punishment for misdemeanors range from less than 60 days to one-year imprisonment.

Below are summaries of key 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.

Under s. 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 as defined in the Appendix to this policy. Violation of this statute is a felony, and is punishable under Chapter 775 of the Florida Statutes.

Under s. 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 for a violation of this statute may include a minimum three-year imprisonment.

Under s. 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. Penalties for violation of this statute ranges from monetary fines, public service hours, to life imprisonment.

As sentencing guidelines depict, the specific substance which is at issue will affect the degree of punishment imposed.

Under s. 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.

Under s. 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 or any controlled substance 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.

For 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.

Any person who is convicted of a third violation of this section for an offense 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.

Any person who is convicted of a third violation of this section for an offense 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.

Any person who is convicted of a fourth or subsequent violation of this section, 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.

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.

Nova Southeastern University requires that an employee notify the employer 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 employee must report any criminal drug convictions in the workplace to his/her University supervisor or department head within five days of the date of such conviction. The University will discipline any employee who is so convicted 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 or student 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, expulsion, and/or dismissal.

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

- [Controlled Substances - Uses & Effects table](#)
- [Federal Trafficking Penalties](#)