

# University of Lynchburg Alcohol and Drug Policies 2020-21

The University of Lynchburg does not condone the illegal or otherwise irresponsible use of alcohol and other drugs. This publication synthesizes information about the University of Lynchburg’s alcohol and drug prevention programs, including policies that are published in the *Employee Handbook of Personnel Policies and Procedures* and in *The Hornet* student handbook.

Questions about employee policies and resources should be directed to the Human Resources Office (fourth floor of Hall Campus Center, 434.544.8126). Questions about student policies and resources should be directed to the Office of the Dean of Students (114 Hundley Hall, 434.544.8226, deanofstudentsoffice@lynchburg.edu).

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## **University of Lynchburg Non-Discrimination Statement**

The University of Lynchburg does not discriminate on the basis of race, color, national origin, sex, pregnancy (including childbirth or related medical conditions including lactation), marital status, veteran status, disability, age (40 and over), sexual orientation, gender identity, or religion in its programs and activities, including admission to and employment at the University of Lynchburg.

The University of Lynchburg is in compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in educational programs and activities, including employment and admission. (Prohibited discrimination based on sex includes sexual harassment and sexual violence.) For questions regarding the University of Lynchburg's compliance with Title IX, please contact:

Title IX Coordinator  
Office of Equity and Inclusion  
Flynn Multicultural Center (Second floor, Drysdale Student Center)  
1501 Lakeside Drive, Lynchburg, VA 24501  
434.544.8482  
[titleix@lynchburg.edu](mailto:titleix@lynchburg.edu)

Inquiries about the application of Title IX may also be referred to the Office for Civil Rights (OCR):

Office for Civil Rights  
U. S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
Telephone: 800.421.3481 or 202.453.6020  
FAX: 202.453.6012  
TDD: 800.877.8339  
Email: [ocr@ed.gov](mailto:ocr@ed.gov)

The University of Lynchburg is in compliance with Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability in admission, treatment, or access to, or employment in its programs or activities. For questions regarding the University of Lynchburg's compliance with Section 504, please contact:

Director  
Center for Accessibility and Disability Resources (Second floor, Hall Campus Center)  
1501 Lakeside Drive, Lynchburg, VA 24501  
434.544.8687  
[timmons.j@lynchburg.edu](mailto:timmons.j@lynchburg.edu)

The University of Lynchburg is in compliance with the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in its programs and activities. For questions regarding the University of Lynchburg's compliance with the Age Discrimination Act, please contact:

Director of Human Resources  
Fourth floor, Hall Campus Center  
1501 Lakeside Drive, Lynchburg, VA 24501  
434.544.8215  
[humanresources@lynchburg.edu](mailto:humanresources@lynchburg.edu)

# **University of Lynchburg Alcohol and Drug Policies 2020-21**

The University of Lynchburg does not condone the illegal or otherwise irresponsible use of alcohol and other drugs. It is the responsibility of every member of the University community to know the risks associated with substance use and abuse. This responsibility obligates employees and students to know relevant University policies and federal, state, and local laws, as well as to conduct themselves in accordance with these policies and laws. An employee or a student who engages in prohibited conduct regarding alcohol or other drugs is subject to disciplinary action taken in accordance with University of Lynchburg policies and procedures; also, the individual may be referred by University authorities for criminal prosecution and, if convicted, may be subject to penalties provided by law.

In compliance with Part 86 of the United States Education Department General Administrative Regulations and the Higher Education Opportunity Act, the University of Lynchburg adopted and implements policies and programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol on campus and in campus programs, as well as the abuse of alcohol, by students and employees. This publication synthesizes information about the University of Lynchburg's alcohol and drug prevention programs, including policies that are published in the *Employee Handbook of Personnel Policies and Procedures* and in *The Hornet* student handbook.

Questions about employee policies and resources should be directed to the Human Resources Office (fourth floor of Hall Campus Center, 434.544.8126). Questions about student policies and resources should be directed to the Office of the Dean of Students (114 Hundley Hall, 434.544.8226, deanofstudentsoffice@lynchburg.edu).

## **For Employees: Drug-Free Workplace Policy**

The use of alcohol or illegal drugs by employees while on property owned, leased, or controlled by the University of Lynchburg, including meal periods and breaks, is absolutely prohibited, except when authorized by the University for approved University functions. No employee will report to work while under the influence of alcohol or illegal drugs. Violations of these rules by an employee will be reason for evaluation/treatment for a substance use disorder or for disciplinary action up to and including termination of employment. This policy applies to all employees (full-time, part-time, temporary, student workers, etc.).

The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and the possession, use, or distribution of alcohol on University premises, or while conducting University business off University premises, which is either unlawful or contrary to any University policy are absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination and referral for prosecution, and/or required satisfactory participation in the Employee Assistance Program, and may have legal consequences.

The University's policy, Smoking, Tobacco, and Nicotine Products, applies to both employees and students. See the section of this publication titled "Nicotine Products and Sanctions" for additional information about this policy.

For information about federal, Virginia, and Lynchburg City laws concerning alcohol and controlled substances, see "Laws and Penalties."

### **Sanctions for Violations by Employees**

Violations by an employee of University alcohol policies will be reason for evaluation/treatment for a substance use disorder or for disciplinary action up to and including termination of employment.

Unauthorized manufacture, distribution and possession of "controlled substances" (illegal drugs), including marijuana, cocaine, and LSD, are prohibited by both state and federal law and are punishable by severe penalties. The University does not tolerate or condone such conduct. Employees who violate state or federal drug laws may be referred by University authorities for criminal prosecution and, if convicted, may be subject to the penalties provided by law. For information about federal, Virginia, and Lynchburg City laws concerning controlled substances, see "Laws and Penalties."

Whether or not criminal charges are brought, all employees are subject to University discipline for illegally manufacturing, distributing, possessing, or using any controlled substance (i) on University-owned, leased, or controlled property, (ii) at University-sponsored or supervised functions, or (iii) under other circumstances involving a direct and substantial connection to the University. Any employee found to have engaged in such conduct is subject to the entire range of University discipline, up to and including termination of employment.

Employees who violate the personal conduct policy pertaining to smoking, tobacco, and nicotine are subject to disciplinary action, which may include, but is not limited to, one or more of the following: verbal warning, written warning, suspension, and discharge.

### **Reporting Requirements**

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under any criminal drug statute, any alcohol beverage statute, or any law which governs driving while intoxicated for violations occurring on or off University premises while conducting University business. A report of a conviction must be made to the University's Director of Human Resources within five (5) days after the conviction. After receiving a notice of conviction under a criminal drug statute, the University's Director of Human Resources must notify any federal granting agency within ten (10) days.

### **Resources for Employees**

The University of Lynchburg recognizes alcohol abuse and drug dependency as illnesses and major health problems. Employees concerned about their own health or that of a friend should consult a physician or mental health professional. More information and assistance can be obtained by contacting the University's Human Resources Office or a community resource listed in the yellow pages of the telephone directory. Also, the following resources are available to employees needing help in dealing with alcohol- or drug-related issues:

- Health care benefits for treatment of drug, alcohol, and other controlled substance problems are available through our health insurance policy for participating employees.
- All Points Employee Assistance Program & Organizational Services, Inc. offers free, confidential counseling and referrals for both the employee and immediate family members in dealing with substance abuse problems. These services may be obtained on a voluntary basis or through supervisor referral when job performance or behavior suggests a problem. Employees who believe they have a problem are urged to contact All Points Employee Assistance Program & Organizational Services, Inc. for confidential treatment (434/845-1246; [www.allpointseap.org](http://www.allpointseap.org)).

- Websites providing educational literature and resources include:
  - Department of Motor Vehicles (DMV) – <https://www.dmv.virginia.gov/safety/#programs/drinking/drinking.asp> and <https://www.dmv.virginia.gov/safety/#programs/drinking/links.asp>
  - Drug Enforcement Administration (DEA) – <http://www.justice.gov/dea/index.shtml>
- University of Lynchburg’s *Employee Handbook of Personnel Policies and Procedures* – [http://internal.lynchburg.edu/documents/facultyresources/handbooks/LC\\_Employee\\_Handbook.pdf](http://internal.lynchburg.edu/documents/facultyresources/handbooks/LC_Employee_Handbook.pdf)

## **For Students: Alcohol and Drug Regulations**

The University of Lynchburg’s Honor and Student Conduct Codes include policies prohibiting unlawful possession, use, manufacture, and distribution of alcohol and illicit drugs by students. The Honor and Student Conduct Codes apply to all students’ behavior on campus, within the City of Lynchburg, in the surrounding counties of Amherst, Appomattox, Bedford, and Campbell, and anywhere when participating in a University program/event or acting in the capacity of a University of Lynchburg student. The Honor and Student Conduct Codes and Regulations are published in *The Hornet* student handbook ([www.lynchburg.edu/hornet](http://www.lynchburg.edu/hornet)).

### **Alcohol Policies and Sanctions**

University of Lynchburg policies concerning alcohol are established to:

- promote healthy lifestyles for students;
- promote a high-quality environment in University housing, student activities, and other facets of student life;
- support academic achievement;
- provide education, health and counseling services, and referral for additional services as needed;
- provide a reasonable degree of freedom of choice concerning the use or non-use of alcohol within the limits imposed by the educational responsibilities of the University and requirements of the law; and
- address misuse of alcohol.

Of primary concern is the impact of alcohol on the climate and quality of life in the University community and on the well-being of individuals. Persons age 21 or older who choose to consume alcohol are expected to drink in moderation. To help students make informed, responsible choices, educational materials and presentations are provided. Persons presenting conditions such as drunkenness, incoherence, or loss of consciousness are referred for educational services and/or medical assessment. Additionally, these and other behaviors related to substance use or abuse may be addressed through appropriate disciplinary sanctions.

The University of Lynchburg Student Conduct Code includes policies restricting the use of alcohol and other alcohol-related behaviors. Persons under age 21 are prohibited from possessing or using alcoholic beverages. Those 21 and older are permitted the privilege of possessing and using alcoholic beverages in moderation in specifically designated places or at specifically designated functions as indicated:

- **The possession or use of alcoholic beverages is permitted only by persons who are 21 years of age or older AND only as follows:**
  - In a student campus residential room with the door closed **AND**:
    - No one under age 21 is present while alcohol is consumed (Exception: A student age 21 or older may consume alcohol in the student’s assigned residential room if the only underage person present is also an assigned resident of the room.); **AND**

- One or both of the room's assigned residents are age 21 or older; **AND**
    - The room is not in a residential area designated to be alcohol-free.
  - Inside University houses, townhouses, and apartments in accordance with the terms of the residential agreement and other guidelines established by the Office of Housing and Residence Life or the Office of Graduate Studies.
  - In other residential locations on occasions and in accordance with guidelines established by the Office of Housing and Residence Life or the Office of Graduate Studies.
  - Beer and wine in licensed locations on special occasions for the time, place, and area defined in a banquet license (e.g., licensed Student Activities Board events in Memorial Ballroom or the Pavilion).
- **Alcoholic beverages may not be possessed or consumed by anyone, regardless of age, in the following residential locations:**
    - Any individual residential room and in the entirety of any University house, townhouse, Court or apartment where all assigned residents are under age 21;
    - Montgomery Hall, Tate Hall, and any other residential facility designated as alcohol-free;
    - Indoor common areas, including lounges, stairwells, and hallways; and
    - Outdoor areas around residential facilities, including porches, yards, sidewalks, parking lots, and streets.

Housing and Residence Life and security staff members may ask to see the contents of backpacks, bags, or other packages suspected to contain alcohol.

- **Other prohibited conduct regarding alcohol includes:**
  - Possession or consumption of alcohol by an individual under age 21;
  - Serving, selling, or otherwise providing or making available alcohol to a person under 21 years of age;
  - Distribution of alcohol without an ABC license;
  - Collection of money for any purpose where alcohol is present without an ABC license;
  - Driving under the influence of alcohol;
  - Use of alcohol that impairs thought, behavior, and/or coordination;
  - Presence of a student under age 21 in a campus residential room where alcohol is possessed or used by other individuals under age 21;
  - Possession or use of a keg, community container, or other quantity of alcohol surpassing that reasonable for private, personal use at an unlicensed place, event, or campus residence;
  - Possession of an open container of alcoholic beverage by a person of any age in a lounge, corridor, stairway, or other common area of a residence hall, except on designated occasions;
  - Possession of an open container of alcoholic beverage on campus outside restricted areas;
  - Possession or use of alcoholic beverages at indoor or outdoor athletic facilities or events, except when such facilities are used for licensed social events;
  - Use, possession, sale, serving, or otherwise making available of alcoholic beverages at any membership recruitment functions;
  - Violation of ABC regulations; and
  - Possession or use of false identification for acquisition of alcohol.
- **Alcoholic beverages are permitted to be distributed on campus only in licensed areas as follows:**
  - Specifically designated locations as defined in a banquet license (e.g., wine or beer in Memorial Ballroom and West Room);
  - Any request for an alcohol license other than through the standard Dining Services procedure must go to the President's Cabinet for approval.

- **Any event, other than small group socializing in a private room, at which alcoholic beverages are permitted, distributed, or served must be conducted within the following guidelines:**
  - Events held in University housing must be registered with and approved by the Office of Housing and Residence Life or the Office of Graduate Studies. Events held in non-residential campus buildings must be registered with and approved by the Office of Student Engagement and Leadership Development and/or the Office of the Dean of Students. Events held outdoors must be approved by the President’s Cabinet in addition to the Office of Student Engagement and Leadership Development and/or the Office of the Dean of Students.
  - A permit shall be obtained from the local regional ABC office.
  - There must be a non-alcohol theme for the event.
  - Individuals sponsoring and conducting the event must implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under age 21 or to persons who appear to be intoxicated.
  - Direct access to and consumption of alcoholic beverages is permitted only within the approved area designated for the event.
  - Non-alcoholic beverages must be available at the same places as alcoholic beverages and featured as prominently as alcoholic beverages.
  - A reasonable portion of the budget for the event shall be designated for purchase of food items.
  - No social event may include any form of “drinking contest” in its activities or promotion.
  - Advertisement for any University event where alcoholic beverages are served must note the availability of non-alcoholic beverages as prominently as alcoholic beverages. Alcohol may not be used as an inducement to participate in a campus event.
  - Promotional materials, including advertisement for any University event, must not make reference to the amount of alcoholic beverages available, such as the number of beer kegs.
  - As appropriate to the size and nature of the event, University-approved security personnel must be present at all times.
  - The sponsoring group or host must be concerned about the condition and safety of those leaving the event and shall implement such techniques as cessation of serving alcohol long enough before the end of the event to aid in the assessment of the condition of guests.
  
- **Promotion of alcohol use on campus is prohibited.**
  - Use of advertising and/or promotional materials that promote the use of alcohol are prohibited.
  - Alcohol-related containers, packaging, and paraphernalia may not be collected or displayed in any residential space in a manner deemed to promote alcohol use or abuse.
  - For anyone under age 21, possession of empty alcoholic beverage containers or alcohol packaging is prohibited in all residential facilities. Regardless of one’s age, possession of empty alcoholic beverage containers or alcohol packaging is prohibited in Montgomery Hall and Tate Hall.

When a student’s use of alcohol is inconsistent with University policies, the misconduct is addressed in accordance with student disciplinary procedures detailed in the Honor and Student Conduct Codes and Regulations. When an individual’s alcohol consumption results in illness or other health/safety emergency, students are encouraged to seek immediate help from Emergency Medical Services, Campus Safety and Security, Housing and Residence Life staff, or other emergency agency. To encourage students to act promptly when emergency aid is needed for a person who has consumed alcohol, and to discourage delay due to concern about possible disciplinary ramifications of the alcohol consumption, the Office of the Dean of Students may address the alcohol consumption through implementation of the Friendly Referral Practice rather than as a violation of the Student Conduct Code.

When the Friendly Referral Practice is implemented to address an alcohol-related incident, neither the student who requested emergency help nor the student whose alcohol consumption resulted in a medical emergency is issued disciplinary charges or sanctions as a result of their own personal possession or consumption of alcohol related to the incident. (Non-alcohol policy violations [e.g., possession or use of drugs, property damage, violence] may be addressed through the student disciplinary process detailed in the Honor and Student Conduct Codes and Regulations.) Instead, the student for whom emergency aid was sought must meet with a representative of the Office of the Dean of Students to discuss the incident, what was learned from it, and any additional alcohol education assigned.

Students are encouraged to seek emergency help promptly for themselves and for others whenever needed. For a student needing emergency medical assistance as a result of alcohol consumption, the Friendly Referral Practice is implemented only once during the student's tenure at the University of Lynchburg; subsequent incidents of alcohol consumption and/or intoxication that are inconsistent with University policies may be addressed through the student disciplinary process.

Any of the following sanctions may be imposed upon a student found responsible for violation of alcohol policies or other violation of the Honor and Student Conduct Codes:

- warning;
- community service hours;
- task completion (fulfillment of a project assigned for educational benefit);
- fine;
- restitution;
- restriction;
- disciplinary probation;
- suspension;
- expulsion; and
- group sanctions.

More severe sanctions are issued for more severe acts of misconduct and for multiple incidents of misconduct over time.

A-level infractions carry the standard sanction of suspension. However, mitigating and aggravating circumstances of an incident may affect sanctions imposed in response to an A-level infraction. Expulsion may be issued in more serious A-level circumstances, and lesser sanctions (typically not fewer than 50 hours of community service and a period of disciplinary probation, or the equivalent) may be issued for less serious circumstances.

When a student is found responsible for an incident of misconduct involving only B-level infractions of the Student Conduct Code, the resulting sanctions do not impact the student's eligibility to continue enrollment at University of Lynchburg but may include warning, community service hours, fines/restitution, tasks designed with educational purpose, restrictions, probation, and/or group sanctions.

### **Drug Policies and Sanctions**

The University of Lynchburg prohibits possession, use, manufacture, and distribution of illegal drugs. (NOTE: Synthetic marijuana [e.g., "Spice," "K2"] and "bath salts" are illegal in Virginia.) The University of Lynchburg also prohibits possession and use of a prescription drug for which one does not have a valid prescription, as well as illegal distribution of a prescription drug. Distribution of a drug may include but is not limited to selling, giving, sharing, and trading drugs. Residue of a prohibited drug is considered evidence of possession and/or use of that drug.



The Drug-Free Schools and Communities Act Amendments of 1989 require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities. To safeguard the opportunity for University of Lynchburg students to benefit from federal financial assistance, to protect the safety and health of the campus community, and to uphold the University's educational mission, the University of Lynchburg prohibits any drug or drug-related activity deemed illegal by federal law, the Commonwealth of Virginia, and/or the City of Lynchburg. This prohibition includes possession, use, and distribution of marijuana, which is a Schedule I controlled substance under federal law, regardless of whether marijuana is considered legal in a student's home state or locality. The University of Lynchburg also prohibits the possession, use, cultivation, or distribution of marijuana for medical purposes on University property and at any University-sponsored event or activity off campus.

The University of Lynchburg prohibits driving under the influence of a drug that impairs driving.

The University of Lynchburg prohibits possession or use of drug paraphernalia. Items considered to be drug paraphernalia include but are not limited to glass smoking pipes, bongs, hookahs, marijuana "bowls," and spoofs, regardless of how such items are actually used.

Suspension from the University of Lynchburg is the standard sanction for a first-time violation of drug-related policies; expulsion is issued in more serious cases and for second drug-related infractions. Additionally, illegal possession, manufacture, or distribution of controlled substances may result in criminal prosecution by city, state, and/or federal law enforcement agencies. The University of Lynchburg notifies law enforcement officers of illegal drugs and paraphernalia confiscated on campus and cooperates with the authorities in apprehending and prosecuting alleged violations of drug laws.

A student seeking readmission to the University of Lynchburg after suspension for any drug- or paraphernalia-related violation must complete the following prior to submitting a readmission application:

1. A substance abuse assessment with a licensed professional counselor with required follow-through on recommendations made by the counselor;
2. A drug education seminar; and
3. A paper summarizing what was learned through the assessment and seminar and how that knowledge will influence the student's behavior, if the student is readmitted.

A student re-enrolled after suspension for any drug- or paraphernalia-related violation must complete the following:

1. Remain on drug probation throughout the student's tenure at the University of Lynchburg;
2. Participate in random drug testing and bear the cost of testing;
3. Complete up to 50 hours of community service upon return; and
4. Serve a period of disciplinary probation.

Re-enrolled students who do not comply with the conditions set forth above or who have a second drug- or paraphernalia-related violation will be expelled from the University of Lynchburg.

### **Drug Testing for Student-Athletes**

The use of drugs is illegal by state law and prohibited by University policy. The University of Lynchburg vigorously opposes the use of drugs by any student.

The University recognizes the particular pressure on and vulnerability of student-athletes to drugs that affect performance. The University also recognizes that athletes and their coaches have a close

relationship that makes it appropriate for coaches to assume a special obligation to counsel student-athletes regarding the use of drugs.

All student-athletes will sign a consent form for drug testing each academic year.

The NCAA has declared that it will randomly test Division III athletes engaged in post-season national competition. University of Lynchburg reserves the right to test for drugs any student-athlete at any time.

Upon confirmation of a positive drug test result by the director of sports medicine, the director of athletics communicates the student-athlete's name and test results to the Office of the Dean of Students for review in accordance with the Honor and Student Conduct Codes and Regulations. Similarly, when a student-athlete is found responsible for violation of drug-related policies in the Honor and Student Conduct Codes, the Office of the Dean of Students notifies the director of athletics of the incident, including charges and sanctions issued.

Suspension from the University of Lynchburg is the standard sanction for a first-time violation of drug-related policies in the Honor and Student Conduct Codes; expulsion is issued in more serious cases and for second drug-related infractions. In addition, a student-athlete found responsible for a first-time drug violation or positive drug test is suspended from athletic participation for one year, in accordance with the University of Lynchburg Athletic Department Drug and Alcohol Policy; a student-athlete found responsible for a subsequent drug violation or positive drug test is suspended permanently from athletic participation.

### **Nicotine Products and Sanctions**

The Commonwealth of Virginia prohibits a person under age 21 from attempting to purchase, purchasing, or possessing any tobacco product, nicotine vapor product, or alternative nicotine product. (Virginia law provides an exception for active duty military personnel age 18 or older.) Similarly, the Commonwealth of Virginia prohibits selling or distributing any tobacco product, nicotine vapor product, or alternative nicotine product to a person under age 21, as well as purchasing such products for an individual under age 21.

The University of Lynchburg expects all students and employees of the University to abide by Virginia law whether on campus or off campus in the Commonwealth. Individuals age 21 or older are permitted to possess and use tobacco and nicotine products in ways consistent with the section of this policy titled "Smoking" and with other University policies.

Products made of tobacco, containing nicotine, or used to consume nicotine that are prohibited for individuals under age 21 include but are not limited to cigarettes and cigars; pipe tobacco; chewing tobacco; snuff; bidis; nicotine in a solution or other form intended for use with an electronic smoking device; electronic smoking devices, such as e-cigarettes, Juuls, personal vaporizers, or other devices associated with "vaping;" and rolling papers.

### **Smoking**

Smoking includes but is not limited to the use of cigarettes, cigars, pipes, bidis, e-cigarettes, Juuls, personal vaporizers, or other devices associated with "vaping."

Reflective of Virginia law, persons under age 21 are prohibited from smoking in any indoor or outdoor areas of the University of Lynchburg.

For individuals age 21 or older, smoking of any nature is prohibited inside all University of Lynchburg facilities and in all outdoor areas of the University, with the exception of designated areas specified by the University.

Regardless of one's age, smoking of any nature is prohibited in all University vehicles, regardless of location. Also regardless of one's age, possession or use of a hookah is prohibited in all indoor and outdoor areas of the University.

Outdoor locations of the University where smoking is permitted by individuals age 21 or older are limited to:

- Areas designated by a picnic table with a large umbrella – Smoking is permitted at these designated tables and within five feet of the table or the associated ash receptacle.
- Porches and yards immediately adjacent to University-owned houses, townhouses, Courts, and apartments used as student residences.
- Inside a vehicle as permitted by the vehicle owner; windows and doors must be closed to contain smoke.

Outdoor locations of the University where smoking is permitted by individuals age 21 or older may be changed at the discretion of the University.

Littering of cigarette butts and other materials is prohibited.

Sanctions that may be imposed upon a student found responsible for violating the University's policy on smoking, tobacco, and nicotine products are the same as those listed in the section of this report titled "Alcohol Policies and Sanctions."

### **Resources for Students**

To help campus constituents learn the effects, laws, and consequences related to alcohol and drug use, information and educational programs are provided on campus throughout the academic year and primarily for students. Listed below are information and educational programs provided during the 2019-20 academic year. Due to the COVID-19 pandemic, the University of Lynchburg provided only online courses from March 2020 through July 2020; on-campus residential facilities were closed.

- *The Hornet* student handbook, which includes the Honor and Student Conduct Codes and Regulations – [www.lynchburg.edu/hornet](http://www.lynchburg.edu/hornet);
- Informational sessions provided to new undergraduate students during Hornet Days in August, including:
  - *Introduction to the Honor and Student Conduct Codes*, and
  - *What's the Buzz: Understand the effects of alcohol and drugs on the college student while learning techniques to help others in our community through bystander intervention*;
- Training for Housing and Residence Life staff and campus safety officers to assist them in the performance of assigned duties;
- Distribution of the annual report, *University of Lynchburg Alcohol and Drug Policies*;
- Occasional programs and postings provided by residential staff primarily in campus residential facilities for undergraduate students;
- Alcohol-free programs and events, such as Late Night events, Doggies in the Dell, Bingo events, and events sponsored through the Office of Student Engagement and Leadership Development;
- Online educational modules required of students who violated University alcohol or drug policies (e.g., *Under the Influence*, *Alcohol 101*, and *Marijuana 101*);
- Counseling services available to students addressing personal substance abuse and/or affected by family substance abuse; and
- Medical assistance provided by the University's Student Health Services for students dealing with alcohol or drug use.

The Student Health Center nurses, physicians, and/or Counseling Center counselors provide first-line assessment and referral as necessary for students needing assistance with alcohol- or drug-related issues, as well as consultation for those concerned about others. Students may contact the Student Health Center at 434.544.8357 or the Counseling Center at 434.544.8616; both centers are located on the terrace level of Hundley Hall.

Additional resources are available independent of the University of Lynchburg to students seeking help with alcohol- or drug-related issues, such as:

- Websites providing educational literature and resources include:
  - Department of Motor Vehicles (DMV) – <https://www.dmv.virginia.gov/safety/#programs/drinking/drinking.asp> and <https://www.dmv.virginia.gov/safety/#programs/drinking/links.asp>
  - Drug Enforcement Administration (DEA) – <http://www.justice.gov/dea/index.shtml>
- Pathways Recovery – 434.200.4455
  - Intensive Outpatient Program - Virginia Baptist Campus in Lynchburg, VA <https://www.centrahealth.com/facilities/pathways-iop>
  - Pathways Lodge - Inpatient Substance Abuse Treatment in Amherst, VA <https://www.centrahealth.com/facilities/pathways-lodge>
- Roads to Recovery – 434.455.0053  
Provides center-based services, residential services, and outdoor adventure programs to assist in finding and sustaining recovery from substance disorders. Located at 3000 Langhorne Road, Lynchburg, Virginia. <https://www.roads2recovery.org/>
- Virginia Baptist Hospital’s Medical Stabilization Service – 434.200.4455  
Inpatient medical stabilization services for adults with drug, alcohol, and health-related issues related to substance-use disorders. <https://www.centrahealth.com/services/medical-stabilization>

## **Health and Behavioral Risks of Alcohol and Other Drugs**

The negative physical and mental effects of the use of alcohol and other drugs are well documented. Use and abuse of these drugs may cause blackouts, poisoning, and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart, and liver; inability to learn and remember information; and psychological problems including severe anxiety, depression, and psychosis.

Impaired judgment and coordination resulting from the use of alcohol and other drugs are associated with DUI/DWI arrests; hazing; falls, drowning, and other injuries; contracting sexually transmitted illnesses; unwanted or unplanned sexual experiences and pregnancy; and physical assault.

Abuse of alcohol and/or other drugs by family members and friends may also cause concern for students and employees. Patterns of risk-taking behavior and dependency negatively impact the lives of abusers and can interfere with the emotional well-being and academic and work performance of family members.

### **Alcohol**

“Alcohol affects every organ in the body. It is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream. Alcohol is metabolized in the liver by enzymes. However, the liver can only metabolize a small amount of alcohol at a time, leaving the excess alcohol to circulate throughout the body. The intensity of the effect of alcohol on the body is directly related to the amount consumed.”<sup>1</sup>

Low doses of alcohol impair brain function, judgment, alertness, coordination, and reflexes. Excessive drinking can lead to health problems such as injuries, violence, liver diseases, and cancer. <sup>2</sup> “Excessive alcohol use includes binge drinking, heavy drinking, and drinking by pregnant women or people younger than are 21.” <sup>3</sup> For women, consumption of four or more drinks on a single occasion constitutes binge drinking. For men, consumption of five or more drinks on a single occasion constitutes binge drinking. <sup>3</sup> “Most people who drink excessively are not alcoholics or alcohol dependent.” <sup>3</sup>

According to the Centers for Disease Control and Prevention, short-term health risks of excessive alcohol use include but are not limited to:

- “Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.” <sup>3</sup> “FASDs are preventable if a woman does not drink alcohol during pregnancy.” <sup>4</sup>

According to the Centers for Disease Control and Prevention, long-term health risks of excessive use of alcohol over time include but are not limited to:

- “Development of chronic diseases,” such as “high blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Weakening of the immune system, increasing the chances of getting sick.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol use disorders, or alcohol dependence.” <sup>3</sup>

### Cocaine <sup>5</sup>

Cocaine is a highly addictive stimulant drug. “Short-term health effects of cocaine include extreme happiness and energy, mental alertness, hypersensitivity to sight, sound, and touch, irritability, and paranoia.” <sup>5</sup> “Other health effects of cocaine use include constricted blood vessels, dilated pupils, nausea, raised body temperature and blood pressure, fast or irregular heartbeat, tremors and muscle twitches [and] restlessness.” <sup>5</sup> “Death from overdose can occur on the first use of cocaine or unexpectedly thereafter.” <sup>5</sup>

Long-term effects of cocaine use may include loss of appetite and subsequent malnourishment, as well as auditory hallucinations. Other long-term effects of cocaine, depending on the method of use, may include nosebleeds, loss of smell, severe bowel decay, and blood-borne diseases.

### Depressants <sup>6</sup>

Barbiturates (older formulations) and benzodiazepines (newer formulations) are depressants prescribed to relieve anxiety, prevent seizures, and induce sleep. Benzodiazepines include Ativan, Klonopin, Valium, and Xanax. When abused, depressants can cause euphoria, loss of motor coordination, impaired mental function, dizziness, nausea, low blood pressure, slowed breathing, and amnesia.

Long-term use of depressants can result in physical dependence. Overdose of barbiturates can cause coma and death. “Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol...[W]ithdrawal from depressants can be life threatening.” <sup>6</sup>

### Hallucinogens<sup>7</sup>

Hallucinogens, whether occurring naturally or manufactured, cause altered perceptions of one's thoughts, feelings, and surroundings, as well as "sensations and images that seem real though they are not."<sup>7</sup>

Hallucinogens can be categorized as "classic hallucinogens" or "dissociative drugs." Some hallucinogens are addictive.

- **Classic Hallucinogens** – Examples of classic hallucinogens include D-lysergic acid diethylamide (LSD or "acid"), peyote (mescaline), and psilocybin ("mushrooms"). Short-term effects of classic hallucinogens may include hallucinations, increased rates of breathing and heartbeat, elevated blood pressure and body temperature, nausea, panic, uncoordinated movements, sleeping difficulties, paranoia, and psychosis. Long-term effects of classic hallucinogens, though rare, may include persistent psychosis ("visual disturbances, disorganized thinking, paranoia"<sup>7</sup>) and Hallucinogen Persisting Perception Disorder (flashbacks, recurrence of hallucinations). "Both conditions are seen more often in people who have a history of mental illness, but they can happen to anyone, even after using hallucinogens one time."<sup>7</sup>
- **Dissociative Drugs** – Examples of dissociative drugs include dextromethorphan (DXM), ketamine ("Special K"), phencyclidine (PCP, "angel dust"), and salvia divinorum ("salvia"). Depending on the quantity of dissociative drug used, short-term effects may include "numbness, disorientation and loss of coordination, hallucinations...memory loss, panic and anxiety, seizures, [and] inability to move."<sup>7</sup> Long-term effects of dissociative drugs may include "speech problems, memory loss, weight loss, anxiety, depression and suicidal thoughts."<sup>7</sup>

### Marijuana / THC

Marijuana comes from the cannabis plant, which "contains the mind-altering chemical THC"<sup>8</sup> (tetrahydrocannabinol). The amount of THC in marijuana has increased in recent decades.<sup>8</sup>

Short-term effects of marijuana include altered senses, mood changes, and impairment of movement, learning, thinking, problem-solving, and memory. Marijuana that is more potent or used in higher doses may also cause delusions, hallucinations, and psychosis.<sup>8</sup> "Marijuana use during pregnancy is linked to lower birth weight and increased risk of both brain and behavioral problems in babies."<sup>8</sup>

Long-term effects of marijuana use include altered brain development in teenagers and young adults, increased heart rate, respiratory difficulties due to smoking, and possible mental illness. Repeated use of marijuana can result in development of a substance use disorder and addiction. Death from marijuana overdose has not been reported.<sup>8</sup>

Synthetic cannabinoids (e.g., "synthetic marijuana," Spice, K2, "fake weed") are human-made chemicals not approved for human consumption. Although similar to chemicals in natural marijuana, synthetic cannabinoids "may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases, more dangerous or even life threatening."<sup>9</sup> Use of cannabinoids may cause addiction and/or death.<sup>9</sup>

### Narcotics / Opioids<sup>10</sup>

Narcotics include codeine, fentanyl, heroin, methadone, morphine, opium, and oxycodone. The more current term for these substances is "opioid." Narcotics/opioids reduce aggression, anxiety, pain, and tension; they are prescribed by doctors to treat various medical conditions. Narcotics/opioids also cause drowsiness, slowed movement and breathing, inability to concentrate, flushing, constipation, and nausea. A single dose can be sufficiently potent to cause death.

Repeated use of narcotics/opioids may cause physical dependence. Psychological dependence and difficulty in coping with daily activities may also result and outlast physical need for the drug.

### **Stimulants**<sup>11</sup>

Stimulants include both prescription drugs, such as amphetamines (e.g., Adderall) and methylphenidate (e.g., Concerta, Ritalin), and illicit drugs, such as methamphetamine and cocaine.

Short-term effects of stimulant use may include exhilaration, enhanced mental and physical performance, extended wakefulness, and diminished appetite. Tolerance to stimulants can develop quickly. When stimulant use is stopped abruptly, one may experience drug craving, extreme fatigue, anxiety, and depression. “Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.”<sup>11</sup>

Psychological dependence on stimulants may develop. “Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies.”<sup>11</sup> Overdose of a stimulant may cause “high fever, convulsions, and cardiovascular collapse,” as well as death.<sup>11</sup>

### **Tobacco / Nicotine**

Nicotine, which is found in all tobacco products, is highly addictive.<sup>12</sup> Even in low doses, nicotine stimulates the brain to release neurotransmitters, such as dopamine.<sup>12</sup> Due to increased tolerance to nicotine, one must use increased amounts of tobacco to experience pleasurable effects. When tobacco use is stopped, physical symptoms of withdrawal occur, such as anxiety, difficulty concentrating, irritability, and restlessness.<sup>12</sup>

Smoking tobacco “harms nearly every organ of the body....Smoking causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis. Smoking also increases risk for tuberculosis, certain eye diseases, and problems of the immune system, including rheumatoid arthritis.”<sup>13</sup> “Cigarette smoking is the leading preventable cause of death in the United States.”<sup>14</sup>

Exposure to “secondhand smoke causes stroke, lung cancer, and coronary heart disease in adults. Children who are exposed to secondhand smoke are at increased risk for sudden infant death syndrome, acute respiratory infections, middle ear disease, more severe asthma, respiratory symptoms, and slowed lung growth.”<sup>13</sup>

Use of smokeless tobacco can cause gum disease, tooth decay, and cancer of the mouth, throat, and pancreas, as well as increased risk of death due to heart disease and stroke.<sup>15</sup> “Additional research is needed to examine long-term effects of newer smokeless tobacco products, such as dissolvables and U. S. snus.”<sup>15</sup>

<sup>1</sup> <https://www.cdc.gov/alcohol/faqs.htm>, Why do some people react differently to alcohol than others?

<sup>2</sup> <https://www.cdc.gov/alcohol/faqs.htm>, What health problems are associated with excessive alcohol use?

<sup>3</sup> <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

<sup>4</sup> [www.cdc.gov/ncbddd/fasd/index.html](http://www.cdc.gov/ncbddd/fasd/index.html)

<sup>5</sup> [www.drugabuse.gov/publications/drugfacts/cocaine](http://www.drugabuse.gov/publications/drugfacts/cocaine)

<sup>6</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), pp. 68-69

<sup>7</sup> <https://www.drugabuse.gov/publications/drugfacts/hallucinogens>

<sup>8</sup> <https://www.drugabuse.gov/publications/drugfacts/marijuana>

<sup>9</sup> [www.drugabuse.gov/publications/drugfacts/synthetic-cannabinoids-k2spice](http://www.drugabuse.gov/publications/drugfacts/synthetic-cannabinoids-k2spice)

<sup>10</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), pp. 48-49

<sup>11</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), pp. 60-61

<sup>12</sup> <https://www.mayoclinic.org/diseases-conditions/nicotine-dependence/symptoms-causes/syc-20351584?p=1>

<sup>13</sup> [www.cdc.gov/tobacco/basic\\_information/health\\_effects/index.htm](http://www.cdc.gov/tobacco/basic_information/health_effects/index.htm)

<sup>14</sup> [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/health\\_effects/effects\\_cig\\_smoking/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm)

<sup>15</sup> [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/smokeless/health\\_effects/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/smokeless/health_effects/index.htm)

## **Alcohol Laws and Penalties**

In addition to disciplinary action and sanctions implemented by the University of Lynchburg, an employee or a student who violates alcohol laws is subject to criminal sanctions provided by federal, state, and local laws. Neither presence on campus nor residence in University housing shields an individual from obligation to adhere to laws regarding alcohol, drugs, and other matters.

### **Alcohol Laws and Penalties - Federal**

The 21<sup>st</sup> Amendment to the United States Constitution delegates to individual states control of alcohol sales, distribution, and possession within the state, as well as importation of alcohol into the state. <sup>16</sup> The Federal Uniform Drinking Age Act of 1984 established the age of 21 as the minimum age for legal consumption of alcohol in the United States. Ten percent of federal funding for highways may be denied to States that do not comply with this Act. <sup>16</sup>

<sup>16</sup> [www.niaaa.nih.gov/alcohol-health/alcohol-policy](http://www.niaaa.nih.gov/alcohol-health/alcohol-policy)

### **Alcohol Laws and Penalties – Commonwealth of Virginia**

Laws of the Commonwealth of Virginia pertaining to the purchase, possession, consumption, sale, and storage of alcoholic beverages include the following:

**Underage Possession:** Virginia law requires an individual to be at least 21 years of age to purchase, possess, or consume alcohol. Virginia law prohibits attempted purchase or possession of alcohol by a person under age 21. Penalties for violation include a fine of up to \$2,500 and/or one year in jail. Mandatory minimum penalties include a \$500 fine or 50 hours of community service and revocation of driving privileges for at least six months. <sup>17</sup>

In Virginia, it is illegal to purchase for, give, sell, provide, or assist in providing alcoholic beverages to a person who is under age 21 and/or intoxicated. Penalties for violation include a fine of up to \$2,500 and/or up to a year in jail. <sup>17</sup> in addition to these penalties, as well as revocation of driving privileges for no longer than one year may be imposed for purchasing for, giving, selling, or providing alcohol to a person who is intoxicated. <sup>18</sup> (§4.1-304, §4.1-306)

**Crystallized Alcohol:** Virginia law prohibits purchase, possession, sale, and use of all crystalline and powdered alcohol products. Penalties for violation include a fine of no more than \$2,500 and/or up to one year in jail. <sup>18</sup> (§4.1-302.2)

**Public Consumption:** Virginia law prohibits consumption of alcohol and offering alcohol to another person in unlicensed public places. Penalties for violation include a fine of no more than \$250. <sup>18</sup> (§4.1-308)

**Intoxication in Public:** A person who is intoxicated in public due to alcohol, a narcotic drug, or any other intoxicant is subject to the penalty of a fine of not more than \$250. <sup>18</sup> (§18.2-388)

**False Identification:** Virginia law prohibits possession, use, sale, and/or manufacture of a false or altered identification card, including, but not limited to, a driver's license, military ID, or university identification. It is also illegal to loan one's ID to another person. <sup>17</sup>



Use or attempted use of an altered, fictitious, or simulated ID or of another person's ID may incur penalties including a fine of at least \$500 or performance of 50 hours of community service and revocation of driving privileges for six months to one year.<sup>18</sup> (§4.1-305)

**Sale of Alcohol:** Sale of an alcoholic beverage requires a license from the Virginia Department of Alcoholic Beverage Control (ABC). It is illegal to purchase for, give, or sell alcoholic beverages to persons who are under age 21 and/or intoxicated. Virginia law also prohibits purchase of alcohol from any person who is not licensed to sell alcohol. Penalties for violation include but may not be limited to a fine of no more than \$2,500 and/or up to one year in jail.<sup>18</sup> (§4.1-302, §4.1-303, §4.1-304, §4.1-306)

**Driving under the Influence**<sup>19</sup>: In Virginia, a person under the age of 21 who is convicted of driving a motor vehicle after illegal consumption of alcohol and whose blood alcohol content (BAC) is 0.02 percent or more but less than 0.08 percent is subject to the loss of one's driving license for one year and a mandatory minimum fine of \$500 or 50 hours of community service.

Virginia law presumes a driver to be under the influence of alcohol if his/her blood alcohol content is 0.08 percent or greater. However, a driver whose BAC is below 0.08 may be convicted of driving under the influence if his/her ability to operate a motor vehicle is impaired.

Driving under the influence of a drug may result in the same penalties as driving under the influence of alcohol.

Penalties for driving under the influence of alcohol (or a drug) in Virginia include but are not limited to:

- First Offense: Mandatory minimum fine of \$250 and driver's license revocation for one year
  - If blood alcohol content (BAC) is 0.15-0.20 percent, a jail term of at least five days is also imposed.
  - If BAC is 0.20 percent or higher, a jail term of at least 10 days is also imposed.
- Second Offense: Mandatory minimum fine of \$500, driver's license revocation for three years, and possible imprisonment for up to one year. An additional jail term of 5-20 days is imposed if the driver's BAC is above 0.15 percent.
  - If the second DUI offense is committed within 5 years of the first offense, the resulting penalty also includes a jail term of at least 20 days.
  - If the second DUI offense is committed within 10 years of first offense, the resulting penalty also includes a jail term of at least 10 days.

**Vaporized Alcohol:** Virginia law prohibits sale, purchase, and use of any vaporized form of alcoholic beverage produced by an alcohol vaporizing device, as well as offered sale or use of vaporized alcohol. Penalties for violation include a fine of no more than \$2,500 and/or up to one year in jail.<sup>18</sup> (§4.1-302.1)

<sup>17</sup> [virginiarules.org/varules\\_topics/alcohol-and-tobacco/](http://virginiarules.org/varules_topics/alcohol-and-tobacco/)

<sup>18</sup> [law.lis.virginia.gov/vacode](http://law.lis.virginia.gov/vacode) - See specified section(s)

<sup>19</sup> [www.dmv.virginia.gov/webdoc/pdf/dmv168.pdf](http://www.dmv.virginia.gov/webdoc/pdf/dmv168.pdf)

### **Alcohol Laws and Penalties – City of Lynchburg**

The Code of Ordinances for the City of Lynchburg, Virginia pertaining to alcohol includes the following:

**Public Consumption:** The City of Lynchburg, Virginia prohibits consumption of alcohol, offering alcohol to another, and possession of “any uncapped or open container of any kind which contains an alcoholic beverage at or in any public park, public playground, public street, public school ground or within any vehicle on or in any” of these locations. Violation of this City ordinance (Class 4 misdemeanor) may result in a fine of up to \$250.<sup>20</sup> (Sec. 28-3, Sec. 1-12)

**Public Intoxication:** The Code of Ordinances for the City of Lynchburg, Virginia reflects law of the Commonwealth of Virginia prohibiting intoxication in public. A person who is intoxicated in public due to alcohol, a narcotic drug, or any other intoxicant or who swears profanely in public is “guilty of a class 4 misdemeanor and shall be taken and held in custody by the police or in the city jail until sober, or until no longer under the influence of such intoxicant.”<sup>20</sup> (Sec. 27-10) A person who is intoxicated in public may be transported to a detoxification center in lieu of arrest.<sup>20</sup> (Sec. 27-10) Also, violation of this City ordinance may result in a fine of up to \$250.<sup>20</sup> (Sec. 1-12)

The City of Lynchburg also prohibits disorderly conduct in public places, including any school or school-related activity, by a person who is intoxicated from alcohol or other drug. Penalties for violation of this City ordinance (Class 1 misdemeanor) include a fine of no more than \$2,500 and/or up to one year in jail.<sup>20</sup> (Sec. 27-37.2, Sec. 1-12)

**Driving under the Influence:** The City of Lynchburg, Virginia prohibits “any person under the age of 21 to operate any motor vehicle after illegally consuming alcohol,”<sup>20</sup> (Sec. 25-162.2) as indicated by a blood alcohol concentration of 0.02 percent or more. Penalties for violating this City ordinance include forfeiture of one’s driver’s license for six months from the date of conviction and a fine of up to \$500.<sup>20</sup> (Sec. 25-162.2)

The Code of Ordinances for the City of Lynchburg, Virginia reflects law of the Commonwealth of Virginia prohibiting driving or operating a motor vehicle, including a moped, on “public streets, highways, alleys, and rights-of-way within the city”<sup>20</sup> (Sec. 25-162) while one’s blood alcohol concentration is 0.08 percent or greater, while impaired due to narcotic or other drug, or while impaired due to a combination of alcohol or any drug.<sup>20</sup> (Sec. 25-162) Penalties for violation of this City ordinance (Class 1 misdemeanor) include a fine of no more than \$2,500 and/or up to one year in jail.<sup>20</sup> (Sec. 1-12, Sec. 1-13)

<sup>20</sup> [library.municode.com/va/lynchburg/codes/code\\_of\\_ordinances?nodeId=COORLYVI01](http://library.municode.com/va/lynchburg/codes/code_of_ordinances?nodeId=COORLYVI01) – See specified section(s)

### **Controlled Substance Laws and Penalties**

In addition to disciplinary action and sanctions implemented by the University of Lynchburg, an employee or a student who violates drug laws is subject to criminal sanctions provided by federal, state, and local laws. Neither presence on campus nor residence in University housing shields an individual from obligation to adhere to laws regarding alcohol, drugs, and other matters.

Both the federal Controlled Substances Act and the Virginia Drug Control Act penalize the unlawful possession, use, manufacturing, and distribution of controlled substances. Penalties vary based on factors including, but not limited to, the type or “schedule” of drug involved, the amount possessed, whether distribution or intent to distribute a drug is present, and whether conviction is for a first or subsequent offense. The five schedules of drugs established by the federal Controlled Substance Act are summarized in the following table.

<b>Drug Schedules Established by the Controlled Substances Act</b> <sup>21</sup>		
<b>Schedule</b>	<b>Description</b>	<b>Common Examples</b>
Schedule I	High potential for abuse. No currently accepted medical use in treatment in the United States. Lack of accepted safety for use under medical supervision.	Heroin, gamma hydroxybutyric acid (GHB), lysergic acid diethylamide (LSD), marijuana, methaqualone
Schedule II	High potential for abuse. Has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. Abuse may lead to severe psychological or physical dependence.	Morphine, phencyclidine (PCP), cocaine, methadone, hydrocodone, fentanyl, methamphetamine
Schedule III	Less potential for abuse than Schedule I or Schedule II substances. Has a currently accepted medical use in treatment in the United States. Abuse may lead to low-to-moderate physical dependence or high psychological dependence.	Anabolic steroids, codeine products with aspirin or acetaminophen, some barbiturates
Schedule IV	Low potential for abuse relative to substances in Schedule III. Has a currently accepted medical use in treatment in the United States. Abuse may lead to limited physical or psychological dependence relative to substances in Schedule III.	Alprazolam, clonazepam, diazepam
Schedule V	Low potential for abuse relative to substances in Schedule IV. Has a currently accepted medical use in treatment in the United States. Abuse may lead to limited physical or psychological dependence relative to substances in Schedule IV.	Cough medicines with codeine

<sup>21</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), pp. 9-10

### **Controlled Substance Penalties - Federal**

The Anti-Drug Abuse Act of 1988 allows the government to elect to impose only a civil fine of up to \$10,000 on an individual who possesses only a small quantity of an illegal drug (“personal use amount”). After the fine is paid and other conditions are met, the individual can request that all proceedings be dismissed. <sup>22</sup>

Penalties for violation of the federal Controlled Substances Act vary based on factors including but not limited to the schedule of drug involved, the amount possessed, and whether distribution or intent to distribute a drug is present in a violation. Additional penalties are imposed when trafficking a controlled substance results in serious bodily injury or death. <sup>23</sup>

Federal penalties for first-time simple possession of an unlawful drug include a minimum fine of \$1,000 and/or imprisonment for up to one year. <sup>24</sup>

Federal penalties for a first offense of trafficking a controlled substance differ depending on the schedule of drug involved:

- Schedules I or II (other than marijuana) - imprisonment for five years to life. Fines of up to \$50 million may also be imposed.<sup>23</sup>
  - Marijuana - Depending on quantity, minimum penalties for a first offense of trafficking marijuana include imprisonment of not less than five years and a fine of up to \$1 million.<sup>25</sup>
- Schedule III - imprisonment of not more than 10 years and a fine of up to \$2.5 million.<sup>23</sup>
- Schedule IV - imprisonment of not more than 5 years and a fine of up to \$1 million.<sup>23</sup>
- Schedule V - imprisonment of up to one year and a fine of not more than \$250,000.<sup>23</sup>

Additional penalties related to trafficking a controlled substance may include forfeiture of property (including vehicles used to possess, transport, or conceal a controlled substance) and/or denial of federal benefits, such as student loans and professional licenses (e.g., nursing license, teaching license, admission to the legal bar).

Federal law provides that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within 1,000 feet of an educational facility, including “a public or private college, junior college, or university,” is subject to a doubling of the applicable maximum punishments and fines.<sup>26</sup>

<sup>22</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), pp. 16-17

<sup>23</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), p. 36  
[www.deadiversion.usdoj.gov/21cfr/21usc/844.htm](http://www.deadiversion.usdoj.gov/21cfr/21usc/844.htm)

<sup>25</sup> [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf), p. 37

<sup>26</sup> [https://uscode.house.gov/view.xhtml?req=\(title:21%20section:860%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title21-section860\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:21%20section:860%20edition:prelim)%20OR%20(granuleid:USC-prelim-title21-section860)&f=treesort&edition=prelim&num=0&jumpTo=true)

**Controlled Substance Penalties – Commonwealth of Virginia**

Violation of Virginia laws regarding controlled substances may constitute misdemeanor or felony crimes. Penalties vary depending on factors such as the schedule of the controlled substance and whether the crime involved possession, distribution, or manufacture of the drug.<sup>27</sup> The following table summarizes penalties for violating Virginia laws regarding controlled substances<sup>27, 28</sup> (§18.2-10, 18.2-11, §18.2-248.1, §18.2-250, §18.2-250.1).

<b>Possession of a Controlled Substance – Virginia Penalties<sup>27, 28</sup></b>	
Schedule I or II – includes “Spice” (synthetic cannabinoids) and “bath salts” (synthetic cathinones) <sup>27</sup>	Imprisonment of 1-10 years, or confinement in jail for up to 12 months and/or fine of up to \$2,500
Schedule III	Confinement in jail for up to 12 months and/or fine of up to \$2,500
Schedule IV	Confinement in jail for up to six months and/or fine of up to \$1,000
Schedule V	Fine up to \$500
Schedule VI – includes substances that are not conventional drugs but are used or abused recreationally, such as inhalants <sup>27</sup>	Fine up to \$250
Marijuana	Fine up to \$25 (civil penalty charged by summons)
<b>Intent to Sell or Distribute a Controlled Substance – Virginia Penalties<sup>27</sup></b>	
Schedule I or II	<ul style="list-style-type: none"> <li>• First offense: Imprisonment for 5-40 years and fine of up to \$500,000</li> <li>• Second offense: Imprisoned for five years to life and fine of up to \$500,000</li> </ul>
Schedule III, IV, or V	Confinement in jail for up to one year and/or fine of up to \$2,500

<b>Intent to Sell or Distribute a Controlled Substance – Virginia Penalties (cont'd)</b> <sup>28</sup>	
Marijuana	
<ul style="list-style-type: none"> <li>• &lt; one ounce</li> <li>• &gt; one ounce – 5 pounds</li> <li>• &gt; 5 pounds</li> </ul>	<ul style="list-style-type: none"> <li>• Confinement in jail for up to one year and/or fine of up to \$2,500</li> <li>• Imprisonment of 1-10 years, or at the discretion of the jury or the court trying the case without a jury, confinement in jail for up to one year and/or fine of up to \$2,500</li> <li>• Imprisonment of 5 – 30 years</li> </ul>

Virginia law carries additional sanctions of imprisonment for up to five years and a fine up to \$100,000 for manufacture, distribution, or possession with intent to distribute any controlled substance, imitation controlled substance, or marijuana while on the property of any public or private educational institution (including any institution of higher education) or on property open to the public within 1,000 feet of an educational institution. <sup>28</sup> (§18.2-255.2)

Virginia laws prohibiting public intoxication due to a drug and driving under the influence of a drug also prohibit these behaviors pertaining to alcohol. See the section titled “Alcohol Laws and Penalties – Commonwealth of Virginia” for additional information and penalties.

Although nicotine is not a controlled substance, Virginia law prohibits a person under age 21 from attempting to purchase, purchasing, or possessing “any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking.” <sup>28</sup> (§18.2-371.2) An exception is provided for active duty military personnel age 18 or older. Violation of Virginia’s nicotine possession law results in a civil penalty not to exceed \$100 or up to 20 hours of community service for a first offense. A second offense results in a civil penalty of \$250 or up to 40 hours of community service. <sup>28</sup> (§18.2-371.2)

The Commonwealth of Virginia also prohibits selling or distributing any tobacco product, nicotine vapor product, or alternative nicotine product to a person under age 21, as well as purchasing such products for an individual under age 21. A civil penalty of up to \$2,500 is imposed for violations, depending on the type of nicotine product involved and one’s number of prior violations. <sup>28</sup> (§18.2-371.2)

<sup>27</sup> [https://virginiarules.org/varules\\_topics/drugs-overview/](https://virginiarules.org/varules_topics/drugs-overview/)

<sup>28</sup> [law.lis.virginia.gov/vacode](http://law.lis.virginia.gov/vacode) - See specified section

**Controlled Substance Penalties – City of Lynchburg**

The Code of Ordinances for the City of Lynchburg, Virginia prohibits public intoxication due to a drug and driving under the influence of a drug. The same ordinances also prohibit public intoxication due to alcohol and driving under the influence of alcohol. See the section titled “Alcohol Laws and Penalties – City of Lynchburg” for additional information and penalties.

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