

VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

GENERAL ORDER)
NUMBER 2)

6 November 2019

VMI Alcohol and Controlled Substances Policy

The VMI Post is Commonwealth of Virginia property and subject to its laws concerning consumption of alcohol and controlled substances.

1. EMPLOYEES

- A. The Commonwealth of Virginia's Policy 1.05 on Alcohol and Other Drugs states that the following acts by all classified and non-classified employees, including teaching, research, and administrative faculty are prohibited (a copy of the entire Commonwealth of Virginia's Policy on Alcohol and Other Drugs can be obtained at [DEPARTMENT OF HUMAN RESOURCE MANAGEMENT POLICIES AND PROCEDURES MANUAL ALCOHOL AND OTHER DRUGS POLICY NO. 1.05](#)):
- 1) the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol and other drugs on the workplace;
 - 2) the impairment in the workplace from the use of alcohol or other drugs, (except the use of drugs for legitimate medical purposes);
 - 3) any action which results in the criminal conviction for:
 - a. a violation of any criminal drug law, based upon conduct occurring either on or off the workplace, or
 - b. a violation of any alcoholic beverage control law, or law which governs driving while intoxicated, based upon conduct occurring on the workplace;
 - 4) the failure to report to their supervisors that they have been convicted of any offense, as defined in 3 above, within five calendar days of the conviction.
- B. VMI employees shall not consume alcohol while on duty, during work hours, and/or while in the workplace, including while on meal breaks. The workplace consists of any site, including state owned or leased property, where state employees are performing official duties.
- C. Employees may not be impaired by or under the influence of alcohol while working.
- D. Employees may not participate in the unlawful use of controlled substances and may not be impaired by controlled substances while working.
- E. Alcoholic beverage-related sponsorship of VMI activities, as well as the advertisement and promotion of alcoholic beverages on Post is prohibited. Any exceptions to this policy must be approved by the Superintendent.

2. EMPLOYEES, CADETS, VISITORS, AND OTHER PERSONS

- A. Employees, cadets, visitors, and other persons, regardless of age, are not allowed to consume or possess alcohol on Post, including events such as tailgating and locations such as, but not limited to, Alumni Memorial Field, Foster Stadium, Gray-Minor Stadium, and other locales involving Institute athletic events.
- B. The VMI Foundation, the VMI Alumni Association, the Keydet Club (“Alumni Agencies”), and others associated with VMI, will not normally host events on Post at which alcohol is available. Certain events, at which there is no cadet involvement, or where cadets are present as dinner guests, ushers, or escorts, may be exempted from this prohibition.
- C. The Alumni Association’s policy and practice is to limit the provision and consumption of alcohol to the interior, porches and balconies of Moody Hall.
- D. Members of the VMI community living on the Post are asked to refrain from hosting outdoor events that include the provision of alcohol when the Corps is in residence, whether or not cadets are involved.
- E. Approval for exceptions to the policy regarding the possession and consumption of alcohol on Post must be approved by the Superintendent, through the Chief of Staff. This authority may be delegated to the Chief of Staff.
- F. Any permits for events off Post that involve any combination of cadets, faculty/staff and the use of alcohol, must be approved by the Superintendent through the Chief of Staff. This authority may be delegated to the Chief of Staff.
- G. It is the responsibility of all Institute officials and the Alumni Agencies to inform visitors to the Post (e.g., football ticket-holders, cadet parents, alumni reunion visitors) of VMI’s rules regarding alcohol and drugs, and request that they absolutely refrain from providing alcohol to cadets anywhere on Post in accordance with Section 2(A).
- H. The possession or consumption of controlled substances on-Post or during any VMI sanctioned activity by anyone is strictly prohibited.

3. VMI SANCTIONS - VMI will impose sanctions on cadets and employees (consistent with local, state, and federal law) up to and including dismissal or termination of employment and referral for prosecution, for violations of this policy and standards of conduct in accordance with the Faculty Handbook, the Administrative and Professional Faculty Handbook, the Classified Employee Handbook, and the Blue Book.

- A. Employees who are impaired by or under the influence of alcohol and/or engage in the unlawful use of controlled substances while working will be subject to a full range of disciplinary actions up to and including termination of employment and referral for prosecution, and may be required to participate satisfactorily in an appropriate rehabilitation program.
- B. Cadets are subject to the provisions found in the Blue Book for violations of alcohol-related policies. Cadets arrested for driving under the influence of alcohol off Post may be referred for an alcohol assessment and, if convicted of an offense, may be subject to penalties for Conduct Unbecoming a Cadet, Conduct Discrediting the Institute, or other penalties as specified in the Blue Book. See Appendix I for the Alcohol Medical Safety Policy.
- C. Cadets possessing controlled substances will be subject to the provisions found in [General Order 53 - Policy on Prohibiting Controlled Substance and Drug Paraphernalia; and the VMI Drug Testing Program](#) as well as the Blue Book. Cadets

convicted of Driving under the Influence of drugs will be similarly subject to these policies and the Blue Book.

- D. Any violation by a VMI employee of the alcohol and drug policies contained in this General Order must be reported to the Director of Human Resources or the Dean of the Faculty by supervisors through the employee's chain of command; for cadets, the Commandant's office must be notified. This ensures that VMI sanctions are appropriately administered and are consistent with the nature of the offense, applicable laws, policy, and other legal requirements. These actions are independent of any law enforcement or criminal prosecution that may be ongoing or may have preceded VMI sanctions.

4. CRIMINAL SANCTIONS FOR EMPLOYEES, CADETS, VISITORS, AND OTHER PERSONS

- A. Alcohol - Virginia's Alcohol Beverage Control Act contains a variety of laws governing the possession, use, and consumption of alcoholic beverages. The Act applies to cadets and employees of the Institute. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below:
 - 1. It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law exposes the violator to a Class 1 misdemeanor conviction for which the minimum penalty is a fine of at least \$500 and/or performance of a minimum of 50 hours of community service and suspension of the individual's driver's license for at least six months. The maximum punishment is confinement in jail for twelve months and a fine of \$2,500, either or both, and suspension of the individual's driver's license for one year.
 - 2. It is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law exposes the violator to a Class 1 misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both, and a suspension of the individual's driver's license for up to one year.
 - 3. It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, he knows or has reason to know that the person for whom the alcohol is purchased is under the legal drinking age. Such violation also exposes the violator to a Class 1 misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine of up to \$2,500, either or both, and a suspension of the individual's driver's license for up to one year.
 - 4. A person in his or her own home may provide alcoholic beverages to family members under 21, but guests provided alcohol must be of legal age unless accompanied by a parent, guardian, or spouse age 21 or older. Violation of this law also constitutes a Class 1 misdemeanor punishable by up to 12 months in jail and/or a fine of up to \$2,500, and a suspension of the individual's driver's license for up to one year.

5. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. Persons violating the law, upon conviction, expose the violator to a Class 4 misdemeanor conviction for which the punishment is a fine up to \$250.

B. Controlled Substances and Illicit Drugs - The unlawful possession, distribution, and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into "schedules," ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended and can be found at [Virginia Code § 54.1-3446 - Schedule I](#). As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below (**Refer to General Order 53's Annex I for controlled substance classifications at [General Orders \(Policies & Procedures\)](#)**)

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a Class 5 felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a Class 1 misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a Class 2 misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.
4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a Class 3 misdemeanor conviction for which the punishment is a fine up to \$500.
5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a Class 4 misdemeanor conviction for which the punishment is a fine up to \$250.
6. Possession of a controlled substance classified in Schedule I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction for a first offense, exposes the violator to a felony conviction for which the punishment is imprisonment from five to forty years and a fine up to \$500,000. Upon a second conviction, the violator must be imprisoned for a minimum of three years up to life imprisonment, and a fine of up to \$500,000.

7. Possession of a controlled substance classified in Schedule III of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a Class 5 felony conviction for which the punishment is confinement in jail for up to ten years and a fine up to \$2,500, either or both.
8. Possession of a controlled substance classified in Schedule IV of the Drug Control Act with the intent to see or otherwise distribute, upon conviction, exposes the violator to a Class 6 felony conviction for which the punishment is confinement in jail for up to five years and a fine up to \$2,500, either or both.
9. Possession of a controlled substance classified in Schedule V or VI of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to punishment of confinement in jail for up to one year and a fine up to \$2,500, either or both.
10. Possession of less than one-half ounce of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both.
11. Possession of not more than one-half ounce of marijuana with intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to one year and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years. Additionally, the Code of Virginia section 18.2-255.2 specifically prohibits the manufacture, selling, distribution, or possession with the intent to sell, give, or distribute any controlled substance, imitation controlled substance, or marijuana at any time upon the property, including buildings and grounds, of any institution of higher education. Violation of this section constitutes a separate and distinct felony punishable by one to five years imprisonment and a fine of up to \$100,000 for a first offense.

FOR THE SUPERINTENDENT:

James P. Inman
Colonel, US Army (Ret.)
Chief of Staff

OPR: CoS

Dist: E, Cadets

Appendix I

Alcohol Medical Safety Policy

Blue Book regulations clearly state penalties for underage consumption of alcohol and drinking alcohol on Post. Cadets are expected to fulfill all their obligations, and intoxication is not an excuse for failing to do so. Members of the VMI faculty and staff will enforce Blue Book regulations.

Intoxicated cadets reporting to the VMI Infirmary will be treated as medical patients. Pursuant to state laws and the professional ethical obligations of licensed health care providers, the Infirmary staff cannot break confidentiality. Any assessment and treatment in the Infirmary, including referral to the emergency room when intravenous hydration is required, is confidential.

Because of confidentiality, cadets treated in the Infirmary will not be reported to the Commandant for discipline. All intoxicated cadets seen in the Infirmary or the emergency room will be referred to Cadet Counseling for mandatory assessment and alcohol education.

If a VMI faculty or staff member discovers the alcohol abuse through channels other than the Infirmary or Cadet Counseling, penalties will be at the discretion of the Commandant's Office. Any cadet who brings a highly intoxicated cadet to the Infirmary will not be subjected to an alcohol penalty.

Pursuant to General Order 16, cadets who report a violation involving sexual misconduct and other prohibited forms of discrimination may be given amnesty for minor disciplinary infractions, including underage drinking, at the time of the incident, except respondents in any such investigation shall not be granted amnesty for any infractions if found responsible for the underlying complaint. Violations of the Honor Code are not covered by amnesty.

A cadet seen in the Infirmary for a second episode of intoxication will again be referred to Cadet Counseling which may require the cadet to participate in an off-Post alcohol treatment program.

Cadets who fail to attend mandatory assessment and alcohol education will be turned over to the Commandant's Staff for appropriate discipline or sanctions