

Alcohol and Other Drug Policy
At Michigan Tech
2005-06

I. Guiding Principles

* Clear evidence exists that the misuse and abuse of alcoholic beverages and drugs can erode the foundation of the University's goals and objectives and can diminish the attainment of intellectual, social, physical, and moral growth and development.

*All University members are adults who will make personal choices about their use of alcohol, but those choices must not disrupt the University community of others.

*It is the University's mission to address alcohol-related behavior when such behavior has a negative effect on any segment of the University community or violates any city, state, or federal law or ordinance.

*The University will attempt to provide educational activities and information concerning alcohol use. The University will facilitate coordination of treatment for alcohol abuse. The University will also provide guidelines for responsible use of alcohol. Furthermore, neither this policy nor the University's consent to the use of alcoholic beverages at certain locations and under certain circumstances constitutes University sponsorship or approval of such use, but reflects its desire to permit freedom of choice where such choice does not endanger life or violate existing law.

*The University prohibits the use and abuse of controlled substances. The University will attempt to provide to its community, educational activities and information related to the legal and physiological aspects of drug use and abuse.

II. State and Federal Laws

A. Laws Relating to Use of Alcohol:

All federal, state, and local laws governing alcohol use are applicable to all activities at Michigan Tech. Specific attention is directed to the following summary of Michigan law that concerns the possession, consumption, and sale of alcoholic beverages, as well as law pertaining to drinking and driving.

This summary is intended strictly as an educational tool and is only a summary. Other provisions, not included below, may also apply. Therefore, no one should take action in reliance upon the summary, and it should not be construed as legal advice.

1. Legal Age for Possession and Consumption of Alcohol

It is illegal for a person under 21 years of age to purchase, consume, or possess alcoholic beverages. Persons under the age of 21 possessing alcoholic beverages are subject to arrest under Michigan law on the charge of being a minor in possession (MIP). Such a charge is a misdemeanor and can result in progressive fines, substance abuse prevention or treatment, and possible driver's license sanctions.

2. Transporting Alcoholic Beverages

It is a misdemeanor for a person under 21 years of age to knowingly transport or possess alcoholic beverages in a motor vehicle, unless such activities are in connection with the minor's employment by a liquor licensee or other authorized agent of the Liquor Control Commission. Such a charge can result in a penalty of not more than 90 days in jail, a fine of not more than \$100, and may be ordered to perform community service and undergo substance abuse screening and assessment.

3. Fraudulent Identification

A person who furnishes fraudulent identification to a person less than 21 years of age, or a person under the age of 21 who uses fraudulent identification to purchase alcoholic beverages, is guilty of a misdemeanor. The penalty includes fines and the suspension of his or her driver's license for 90 days.

4. Regulation of Sale

Under Michigan law, the sale, trade, or giving away of alcoholic beverages, including alcoholic beverages for personal use, requires a license or other prior written authorization from the Liquor Control Commission. A person who conducts any activity for which a liquor license is required without first obtaining the requisite license is guilty of a felony, punishable by imprisonment for not more than one year, and/or by a fine of not more than \$1,000. Alcoholic beverages may not lawfully be sold, traded, or otherwise furnished to a person who has not attained the age of 21 years.

5. Open Container Laws

The consumption of alcoholic beverages on public highways in the state of Michigan is forbidden by law. It is unlawful to transport or possess any alcoholic beverages in a container that is open, uncapped, or upon which the seal is broken within the passenger compartment of a motor vehicle on the highways of this state. Such a charge is a misdemeanor and can result in progressive fines, substance abuse prevention or treatment, and possible license sanctions.

6. City Ordinances

The cities of Houghton and Hancock have ordinances that prohibit the consumption of alcoholic beverages on any public street or sidewalk, in parks, or in any other public places including any store or establishment doing business with the public not licensed to sell alcoholic beverages for consumption on the premises. In addition, anyone who owns, operates, or controls any such public establishment or store shall not permit the consumption of alcoholic beverages therein.

7. Liability

In the state of Michigan, a person who is injured by a visibly intoxicated person who became intoxicated because of the unlawful furnishing by another has the right of action against the person who contributed to the intoxication by unlawful furnishing. The person(s) who furnished the alcohol could be liable for damages.

8. Drinking and Driving

Michigan has a "zero-tolerance" law permitting no blood alcohol for drivers under the age of 21. Drivers under the age of 21 who are found to have any blood alcohol while driving will lose their

license and have four points added to their driving record. They will also be responsible for fines and/or community service. Those over the age of 21 caught driving under the influence could possibly receive progressive fines and jail time, as well as possible suspension of their driver's license.

9. Drugs, Alcohol, and Sexual Assault

Engaging in sexual activity with a person who is unable to consent by reason of incapacitation is considered sexual assault and is punishable under Michigan law. For example, a person who is intoxicated or drugged may be incapacitated. Therefore, sexual activity with an intoxicated or drugged person can be actionable as sexual assault under Michigan law. For additional information on substance abuse and sexual assault, see www.factsontap.org.

10. Disorderly Conduct

In the state of Michigan, a person who is intoxicated in a public place and who is either endangering directly the safety of another person or property or who is acting in a manner that is defined as causing a public disturbance is a disorderly person. They may be found guilty of a misdemeanor.

For additional information on state drunk driving laws, see the Michigan Secretary of State's web site: www.michigan.gov/sos/

For additional information on state liquor control laws, see www.michigan.gov/cis and click *Liquor Control*.

For additional information on the health effects of alcohol, see www.brad21.org/ and www.collegedrinkingprevention.gov/students/

B. Laws Regarding Controlled Substances

Under Michigan and federal law, it is unlawful for any person to manufacture, deliver, possess, use, or inhale any chemical or controlled substance, unless authorized. Controlled substances are determined by the federal government. Certain drugs are categorized according to Schedules, which depend on the drug's known or potential medical value, its potential for physical or psychological dependence, and its risk, if any, to public health.

The penalty for the illegal possession, use, sale, or delivery of controlled substances depends on the quantity of the drug, and to which Schedule it belongs, Schedule I drugs carrying the most severe penalty, and Schedule V drugs carrying the least severe penalty. If the sale or transport of drugs crosses interstate lines, federal law and penalties will apply.

For compliance with the Federal Drug-Free Workplace Act of 1988, any University employee convicted of a criminal drug offense that occurred in the workplace or while on University business must notify their immediate supervisor within five (5) business days of the conviction. This requirement applies to both student and non-student employees. Following notification of a

student employee's conviction, the supervisor shall notify the Director of Student Judicial Affairs in the Office of Student Affairs; the supervisor of a non-student employee will notify the Director of Human Resources of reported convictions. Furthermore, if the employee is paid through a federal contract or grant, the employee's supervisor should also inform the Office of Research and Supported Programs. In each case, the respective offices---Student Affairs, Human Resources and Research and Supported Programs--- shall apply appropriate sanctions and conditions according to their policies and University procedures. Student recipients of Pell grants and other federal financial aid programs are required to inform the Financial Aid Office of their convictions

For additional information on Federal controlled substances laws, see the Drug Enforcement Agency website at www.usdoj.gov/dea/directory.htm, and click *Drug Policy* under "Briefs and Background.

For additional information on the health effects of Controlled Substances, see the Drug Enforcement Agency website at www.usdoj.gov/dea/concern/concern.htm

III. University Policies and Guidelines:

A. Use and/or Possession of alcoholic beverages on campus.
University policy as adopted by the Board of Control notes that possession and consumption of alcoholic beverages is permitted in certain campus locations under conditions described below. This permission is subject to provisions of law, and such regulations as may be established by management responsible for operating these facilities. Those regulations include:

At University-sponsored functions, alcoholic beverages may be served to nonpaying guests of legal drinking age upon the recommendation of the president.

The possession and use of alcoholic beverages by those of legal drinking age is permitted for occasions and in facilities for which the University has obtained a valid liquor license.

Occupants of residence halls and University apartments may possess and use alcohol in approved rooms if such persons are of legal drinking age. The following provisions apply:

Those individual student rooms or apartments officially approved and assigned by the University to and currently occupied by one or more students having attained the age of 21 may be designated by the University as places where possession and consumption are permissible. (Information about how to receive official approval may be obtained at the Office of Residential Services.)

Legal possession of alcoholic beverages in sealed containers is permissible anywhere so long as a resident is in the active process of transporting it to a student room or apartment and is at least 21 years of age.

Possession of alcoholic beverages in unsealed containers is not permitted in any area other than a designated and approved student room or apartment. Alcoholic beverage containers shall not have the capacity of more than one gallon.

In order to accommodate residents who request to live where intoxicants are not possessed or consumed, the University will, when administratively practical, assign residents with similar

requests to the same floor section or apartment.

Students living in Chemical Free areas and/or under legal drinking age may not display collections of alcoholic bottles/cans; empty bottles/cans can be considered evidence or illegal possession, consumption, or both.

The use of alcohol is permitted in MTU courses, workshops, or seminars if their purpose is solely educational, if they are under the supervision of a professional staff member, and if the beverage is a legal one as defined by the Michigan Liquor Control Act. All persons taking part in said educational activities must be at least 21 years of age to consume alcoholic beverages.

Alcoholic beverages are not permitted at athletic events, concerts, plays, or any other event, on or off campus, that is open to the campus community and/or general public (except when a valid liquor license is obtained).

Kegs of any size or any common source of alcoholic beverages (over one gallon) are not permitted on campus or at any University-sponsored event, except when a valid liquor license is obtained.

Michigan Tech's employee discharge policy states that major infractions which warrant immediate discharge of an employee by the University include, but are not limited to, drinking alcoholic beverages on the job, or use of drugs in violation of the Controlled Substance Act.

III. Alcohol use at events by University-recognized organizations

Events held by University-recognized organizations, including social events, are to conform to recognized standards of good taste and conduct as outlined below, and must comply with the following rules:

Individuals are held personally responsible for their conduct at social functions. However, control over these events is the sole responsibility of the sponsoring organization, with the officers having primary responsibility for this control. Sponsors of social functions where alcoholic beverages are available shall take the full responsibility for the functions, including responsibility to be fully informed of liability laws and licensing requirements and any applicable insurance requirements. Should the officers wish to have additional supervisory personnel present, it shall be their responsibility to secure such help. The University is not the sponsor, nor is it liable for events by University- recognized organizations.

Possession of alcohol is not permitted on campus by any person who is under 21 years of age.

University general fund monies, if any, provided to the University- recognized organization may not be used for the purchase of alcoholic beverages.

Any disruptive behavior, including but not limited to public intoxication, violence, destruction of property, or bodily assault, which takes place on the campus or at a University-sponsored event, is considered a violation of University rules.

Any event by a University-recognized organization shall not include any form of "alcohol drinking contests."

Individuals, groups, or student organizations shall not sponsor or co-sponsor any activity that permits unrestricted and/or public access to alcoholic beverages.

Student organizations must submit a risk management plan for any social event at which alcohol is served on campus or at any University-sponsored event 30 days prior to the event. This plan is subject to review and approval by the facility manager and the Office of Student Affairs two (2) weeks prior to the event. A written invitation must be extended to each invited guest; open invitation parties are prohibited.

Because the University recognizes that the use of alcohol at recruitment functions goes against the best interest of the recruiting organization and the potential new members, alcohol cannot be used in recruitment functions by any campus registered student organization, nor can it be present at any pre or post parties regardless of whether they are "official" functions.

Student organizations cannot sell or fundraise in a manner that promotes the consumption of alcohol or illegal drugs on University property or at University-sponsored events.

IV. Alcohol Advertisement

Alcohol is not allowed to be advertised at official University events, nor advertised in official University publications, except that editorial boards must establish and follow alcohol advertisement policies that insure compliance with state and Federal law.

It is unlawful for a brewer, a vendor of spirits, a wine maker, an out-of-state seller of wine, or a licensed wholesaler of beer or wine to do either of the following on the Michigan Tech campus:

Participate in or conduct any event, contest, activity, or undertaking that is designed to promote the sale or consumption of any alcoholic beverage.

Participate in or conduct any event, contest, activity, or endeavor off the campus if the event, contest, activity, or endeavor is organized or sponsored by any student group that has a majority of members who are under the legal age of consumption of alcoholic beverages.

V. University guidelines concerning alcohol use and education

Adhere to the Michigan Liquor Control Commission guidelines for promoting alcoholic beverages on college campuses.

Do not make alcoholic beverages a part of membership recruitment programs.

Do not portray alcohol consumption as necessary for sexual, personal, or academic success.

Do not sponsor activities in which alcoholic beverages are offered as prizes or incentives.

Have nonalcoholic beverages and food available and identified at the same place and featured equally and as prominently as alcoholic beverages.

Offer a variety of alcohol-free activities.

Educate the University community regarding aspects of alcohol use and substance abuse.

Encourage the inclusion of this information in appropriate academic courses.

Provide information about the signs of alcohol problems and sources of assistance.

Make materials available on alcohol education and substance abuse at the J. R. Van Pelt Library, the Office of Student Affairs, the Memorial Union, Counseling Services, and the residence halls.

Kegs or any common source of alcoholic beverages (over one gallon) should not be used because they make control of serving much more difficult.

VI. Disciplinary Action

Students who violate state, federal or local laws concerning drugs or alcohol while on University property or at University-sponsored events, and/or those who violate University regulations regarding the prohibition of drugs or alcohol or the time, place, and manner in which alcohol is used or advertised, are subject to disciplinary action and possible criminal prosecution.

Students or student groups are subject to disciplinary action as outlined in Student Rights and Responsibilities in the University Community or the MTU Student Handbook www.sa.mtu.edu/dean/judicial/policies/Rights_contents.htm

Individuals and organizations will be charged disciplinary for providing alcohol to minors or alcohol intoxication whether on or off campus.

Students charged with a violation of the alcohol policy and found guilty can receive a sanction ranging from disciplinary warning to expulsion. Reports of violations will be reviewed, investigated and adjudicated through established campus judicial protocols. In addition, the University may refer the matter to the local law enforcement authorities, if the infraction violates the law and is severe enough to warrant such action.

Faculty, administrators, and staff are subject to disciplinary action by their immediate supervisor or designated person. No employee or student will be denied due process. They should also realize that they may be subject to prosecution by civil authorities.

VII. Parental Notification

Alcohol abuse and drug use by students has a negative effect on the educational process and on the health and safety of members of the University community. The 1998 Reauthorization of the Higher Education Act permits colleges and universities to inform parents when their student violates university regulations and/or local, state, or federal laws with respect to alcohol and drugs. Because we believe that the involvement of parents or legal guardians in addressing the negative effects of drugs and alcohol will encourage students to develop adult attitudes and behaviors, Michigan Tech has implemented the following policy:

First alcohol violation: The University generally will NOT notify parents or legal guardians of students under the age of 21 of first time alcohol violations, unless there are extenuating circumstances.

Extenuating circumstances that would warrant notification to the parent or guardian of a first-time alcohol violation include conduct by the student that indicates that the student is or could be a danger to him/her self, others, or property.

Second and subsequent violations involving intoxication: The University WILL notify parents or legal guardians of all second and subsequent violations of the alcohol policy.

Drug violations: The University may notify the parents or guardians of all conduct by students under the age of 21 that violates the University's drug policy or that violates local, state, or federal

law as it relates to illegal drug use. The University will notify on all second or subsequent offenses.

When the University determines that it must notify the parents or legal guardians of students under the age of 21 according to the above policy, it will give the student advance notice of the notification so that the student may, if he/she chooses, initiate contact with his/her parent or guardian first.

The University reserves the right to not notify parents or guardians of drug or alcohol violations of students under the age of 21 if the University determines that, because of the student's family situation, doing so would endanger the student's life or well-being.

VIII. Prevention and Assistance

Michigan Tech is committed both to prevention of alcohol and drug abuse, and assistance to students and employees who need help with substance abuse issues. Accordingly, in addition to the discipline procedures mentioned earlier, the University will also offer support, rehabilitation and/or counseling services to any student or employee who makes a request.

For information or help, contact:

Counseling Services	487-2538	www.counseling.mtu.edu
Office of Student Affairs	487-2212	www.sa.mtu.edu
Office of Student Activities	487-1963	www.sa.mtu.edu/stuact/
Office of Residence Life	487-3404	www.housing.mtu.edu
HR/Benefits Office	482-2517	www.admin.mtu.edu/hro/benefits/index.shtml
Dial HELP	482-4357 482-HELP	www.dialhelp.org

All inquiries are treated confidentially.

Michigan Tech is an equal opportunity educational institution/equal opportunity employer.

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