

Alcohol and Other Drug Policy
At Michigan Tech

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. However, 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. Summary of 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.

These summaries are an educational tool. 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. 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 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

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 of illegal possession, consumption, or both.

Posters, signs, lights, or other promotional materials may not promote the use of alcohol or other drugs.

The use of alcohol is permitted in Michigan Tech 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.

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

Michigan Tech's employee discharge policy states that major infractions that 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 student organizations

University recognized student organizations ("student organizations") must submit a risk management plan to the Office of Student Activities 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 Activities, two (2) weeks prior to the event. A written invitation must be extended to each invited guest; open invitation parties are prohibited.

The possession, sale, use or consumption of alcoholic beverages, while on organizational premises, or during an organizational event, or in any situation sponsored or endorsed by the student organization, must be in compliance with any and all applicable laws of the state, county, city and University.

Alcoholic beverages may not be purchased through or with organizational funds nor may purchases for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the student organization. No student organization may co-sponsor, co-finance, attend or participate in a function where alcohol is purchased by any of the host groups or organizations.

Student organizations shall not sponsor or co-sponsor any activity that permits unrestricted and/or public access to alcoholic beverages. Kegs of any size or any common source of alcoholic beverages are not permitted on organizational premises or during an organizational event.

Any type of “alcohol drinking game” or contest on organizational premises or during an organizational event is strictly prohibited.

No members, collectively or individually, of student organizations shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e. those under “legal drinking age”).

No student organization may co-sponsor an event with an alcohol distributor, charitable organization or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) where alcohol is given away, sold or otherwise provided to those present. This includes any event held in, at or on the property of a tavern as defined above for the purposes of fundraising. An organization may rent or use a room or area in a tavern as defined above for an event held within the provisions of this policy, including the use of a third party vendor and guest list.

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 student organization, nor can it be present at any pre or post parties regardless of whether they are “official” functions. No recruitment activities associated with any organization may be held in conjunction with an alcohol distributor or tavern as defined in this policy.

The possession, sale or use of any illegal drugs or controlled substances while on organizational premises or during an organizational event is strictly prohibited.

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.

Posters, signs lights, or other promotional materials may not promote the use of alcohol or other drugs.

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.

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 the Code of Student Conduct, <http://sa.mtu.edu/dean/judicial/policies/>.

Individuals and organizations will be charged under the Code of Student Conduct for providing alcohol to minors or other violations of law relating to alcohol and controlled substances whether on or off campus.

Students found responsible for a violation of this policy can receive a sanction ranging from disciplinary warning to expulsion. 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

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. 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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