



The University of Vermont

Policy V. 3.4.1.3

Responsible Official: Vice President for  
Campus Life and Dean of Students

Effective Date: February 15, 2011

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# Student Alcohol and Other Drug Policy

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## Policy Statement

The University of Vermont is committed to sustaining an academic environment that both respects individual freedom and promotes the health, safety, and well-being of all members of our community. It is essential that the members of this community recognize that the misuse and abuse of alcohol and the use of illicit drugs constitute a threat to the educational mission of the University, a violation of state and/or federal law and a violation of University policy.

## Reason for the Policy

The University has adopted this policy in support of its educational mission and in compliance with the Drug Free Schools and Communities Act of 1989. The University has adopted programs to provide education about the harmful effects of alcohol and other drugs and to prevent the misuse of alcohol and other drugs. While the University respects the individual freedom of the members of our community, that freedom comes with an expectation that individuals will act in accordance with University Policy and applicable local, state and federal law. Substance use is not an acceptable excuse for behavior that violates community standards. The University seeks to provide an environment free from the adverse effects of alcohol and other drug abuse. All members of the University community are responsible for being fully aware of the requirements of University policy as well as local, state, and federal laws regarding alcohol and other drugs. The University holds students accountable for behavior that violates University policy and may refer incidents which could constitute a violation of law to University Police Services as well as to the Center for Student Ethics and Standards.

The University recognizes that substance abuse is a serious problem that may require professional assistance and treatment. Accordingly, a variety of services are available to students who seek education and/or assistance for substance abuse problems. These resources include information and confidential counseling services through the Center for Health and Wellbeing. In addition, staff in these offices can make referrals to other services available in the community.

## Strategic Direction

This policy supports the following goal in the University's Strategic Plan ([http://www.uvm.edu/president/?Page=strategicplan2009\\_2013.html](http://www.uvm.edu/president/?Page=strategicplan2009_2013.html)):

- *Institutional Efficacy*: As an institution, model the highest standard of ethical conduct, accountability and best practice, public service, and strong commitment to lifelong learning.
- *Student Experience*: Provide a distinctive university experience that prepares students for success as accountable leaders in the 21st century.

## Applicability of the Policy

This policy applies to students, student organizations, and their guests on University owned or leased property and facilities and/or engaged in a University activity. University premises means all land, buildings, facilities, and other property owned or leased by the University of Vermont. Off-campus conduct in violation of this policy, or local, state or federal laws regulating drug or alcohol use, may also subject a student to disciplinary or other appropriate administrative action when it is reasonably perceived to pose an imminent threat of harm to the safety of the student or others or reflects on a student's fitness to continue in the academic program in which the student is enrolled.

## Policy Elaboration

None

## Definitions

- "Activities" means any act or event sponsored or organized by the University, including its constituent administrative and academic units and recognized student organizations. Without limitation, "activities" shall include all intercollegiate and intramural athletic events, faculty, staff and student meetings, conferences, field trips, retreats and all other acts or events for which the University of Vermont (including student organizations) pay expenses, or provide facilities, services, supplies or transportation.
- "Alcohol" means any beverage containing more than 0.5% ethyl alcohol by weight.
- "Illicit drug" or "controlled substance" shall include controlled substances and analogs as defined by federal and state law.
- "Possession" is determined by control over a substance or object with or without regard to ownership.

- “Property” means any property owned, leased, or controlled by the University of Vermont, including any motor vehicle and watercraft.
- *Student*: Any person taking or auditing any courses at the University of Vermont. Any course registration, whether in a non-degree or degree-granting program of undergraduate, graduate, or professional studies, characterizes the registrant as a "student" from the point of registration to the completion of the course of study. Persons who are not officially enrolled for a particular term but who have clearly manifested intent to attend, remain in attendance, or to return to the University of Vermont as students are considered "students." Examples include, but are not limited to, students who are enrolled but not taking classes due to an academic break, medical leave, suspension, or other personal leave; persons who demonstrate an intent to enroll by registering for courses; and students participating in study abroad programs.

## Procedures

Possession or consumption of alcohol by students on the property of the University or at University sponsored events is allowed only by students 21 years of age and older and only in areas designated by the University for the sale or consumption of alcohol. Possession or consumption of alcohol by individuals under the age of 21 or in any other places owned or controlled by the University, including on-campus residence halls, is strictly prohibited.

Alcohol and other drugs possessed or consumed in violation of this policy are subject to confiscation and any student in possession of or who has consumed alcohol or other drugs in violation of this policy is subject to the student conduct process as outlined in the Code of Student Rights and Responsibilities and possible criminal prosecution under applicable federal, state and local laws. The University is committed to creating a quality learning environment free from the abuse of alcohol. Possessing and using devices designed or intended to be used for the rapid consumption of alcohol (i.e. funnels, beer bong, etc.), and engaging in behaviors intended to intoxicate (i.e. races, games, etc.) are considered aggravating circumstances when considering appropriate sanctions. The presence of empty containers or drug paraphernalia leads to a reasonable presumption that the student(s) found in possession of such containers or paraphernalia consumed the container's original contents or used the paraphernalia for its intended purpose.

The following actions are prohibited:

### 1. Alcohol

- a. Possessing or consuming alcohol if under the age of 21 in the United States or under the legal age of consumption according to the laws of a foreign host-country. An individual, 21 or older, may consume alcohol on University property or at University sponsored events only in areas where the University expressly allows the sale or consumption of alcohol. No person, regardless of age, is permitted to possess or consume alcohol within the on-campus residential areas of the University.

- b. Operating a motor vehicle while under the influence of alcohol.
- c. Misrepresenting one's age for the purpose of purchasing, possessing, or consuming alcohol.
- d. Possessing, furnishing, or consuming alcohol in University owned or leased buildings, University grounds or lands, including residence halls, except as otherwise permitted in this or other University policies.
- e. Possessing, furnishing, consuming or serving from a common source of alcohol (i.e. 12 or more servings, kegs, beer balls, punch bowls, or other approximate equivalent number of servings.), unless being served and monitored by a licensed vendor after receiving approval for alcohol at a University event through applicable procedures.
- f. Purchasing, furnishing, or serving alcohol to or for an underage person.
- g. Being intoxicated to the degree that state law mandates being taken into custody or the student's condition warrants medical attention.
- h. Creating, offering, or engaging in drinking games and other behaviors designed for the purpose of becoming intoxicated through the abusive use of alcohol.
- i. Being under the influence of alcohol, as supported by evidence through actions and/or results of field sobriety tests or alco-sensor readings administered by a police officer.

## **2. Illicit Drugs**

- a. Possessing or using illegal substances, as defined by federal, state, and local statutes.
- b. Possessing or using controlled substances as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as and in the amount prescribed.)
- c. Distributing, selling, or possessing with the intent to distribute illegal or controlled substances, as defined by federal, state, and local statutes.
- d. Possessing or using drug paraphernalia (including but not limited to pipes, bongs, etc.).
- e. Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- f. Growing and/or manufacturing any illegal substance.

## **Registration and Catering**

University recognized student organizations may apply to sponsor functions at which alcohol is served under the following regulations:

1. Sponsors must apply for approval and register any on-campus event by completing and submitting an alcohol event registration form 30 days in advance of the event. This form is available through the Department of Student Life at 310 Davis Center.
2. Sponsors must obtain the approval from the appropriate campus offices.
  - a. For events held in outdoor space contiguous to residence hall facilities, sponsors must obtain approval from the Department of Residential Life (Robinson Hall).
  - b. For events held outdoors or in other campus buildings, sponsors must obtain approval from the Department of Student Life (310 Davis Center).
  - c. For events held at Apartment and Family Housing on the Fort Ethan Allen Campus, sponsors must obtain approval from the Apartments and Family Housing Office (Building 503).
3. Sponsors are responsible for the behavior of those attending the function.
4. Sponsors must cooperate with the caterer in establishing means by which only individuals of legal age are allowed to consume alcohol.
5. Sponsors must assume all financial costs (custodial, security, damages, etc.) associated with the event. Non-alcoholic beverages and food must also be provided in sufficient quantity and quality that individuals attending the event have adequate food and beverage alternatives.
6. After an event has been properly registered, sponsors must secure the services of University Dining Services as the licensed caterer for all on-campus social events involving alcohol.

### **Publicity, Advertising, Marketing, and Promotion**

1. Officially recognized student organizations of the University must not enter into any promotional agreements or advertising agreements with alcohol beverage distributors/companies or their agents, except for paid advertisements accepted by recognized student media organization.
2. Only on-campus events which are properly registered and at which alcohol is served by the licensed caterer may be advertised on campus.
3. The sponsoring organization is responsible for any publicity, advertising, marketing, or promotion that is disseminated in conjunction with the event and must ensure adherence to the following guidelines:
  - a. Alcohol must not be the primary focus in any publicity.
  - b. Advertisements should be consistent with University policy discouraging the demeaning sexual or discriminatory portrayals of individuals or groups.
  - c. Promotion must not encourage misuse nor place emphasis on quantity or frequency of alcohol use (e.g. drink specials, etc).

- d. Advertising must subscribe to the philosophy of low risk and legal use of alcohol. Drinking of alcohol must not be portrayed as contributing to the personal, academic, or social success of students or individuals.
- e. Alcohol must not be associated with the performance of tasks that require skilled reaction, such as the operation of a motor vehicle or machinery.

## **Health Risks Associated with Alcohol and Illicit Drug Use**

The excessive use of alcohol, improper use of controlled substances and use of illicit drugs pose significant health risks to individuals including addiction, permanent injury and death. Additional risks include the following: impairment of reflexes making the operation of vehicles or machinery dangerous; short and long-term effects from mixing alcohol with over-the-counter or prescription medications, which may include permanent damage to organs or death; negative impacts on social and emotional well-being and on education and employment; birth defects if you are pregnant; long-term health problems including liver disease, heart disease, increased risk of cancer and pancreatitis. Additional information on the health risks associated with the excessive use of alcohol and use of controlled substances may be obtained at the Center for Health and Wellbeing.

## **Enforcement**

The enforcement of community standards is a shared responsibility of all community members:

The Department of Police Services, as agents of the University and commissioned law enforcement officers of the State of Vermont, will investigate any violations of federal and state statutes and/or University regulations. The police officers' law enforcement authority, pursuant to 16 VSA section 2283, is statewide.

Faculty, staff, and students should intervene as appropriate when observing violations of the Alcohol and Other Drug Policy. When anyone is experiencing severe intoxication and/or serious injury after consuming alcohol and/or other drugs, it is imperative that assistance is called immediately without hesitation or fear of potential disciplinary sanctions. The Medical Amnesty Program (MAP) is designed to grant amnesty to individuals involved in such emergencies when assistance is sought by another student.

In addition, Residential Life staff and Police Services must respond in any residential area, including student rooms, when it is apparent that there are violations of the Alcohol and Other Drug Policy or when behavior infringes on the rights of others or may affect the health and safety of members of the community.

Alleged violations of this policy may be referred for appropriate response to Residential Life Staff, to the Center for Student Ethics and Standards and/or to appropriate law enforcement agencies. Students found responsible for violation of this policy face a range of disciplinary sanctions, including suspension or permanent separation from the University, in addition to potential criminal sanctions.

Because of the significant costs of responding to alcohol intoxication, students who are taken into protective custody will be charged for transport services which will be billed to the student's account. Being dangerously intoxicated is a violation of University policy and will be referred to the Center for Student Ethics and Standards. Repeated instances of dangerous intoxication may result in dismissal.

## **Summary of Relevant Provisions of Vermont and United States Law**

Vermont law and United States laws control the possession and sale of alcoholic beverages and illicit drugs within the State of Vermont. Violations of these provisions may result in criminal sanctions. Involvement with the criminal justice system is a serious matter even if maximum fines or prison sentences do not result. A criminal conviction can adversely affect job opportunities, admission to graduate or professional schools, and eligibility for training and financial aid opportunities. Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program. Filing or processing of criminal charges and/or imposition of criminal sanctions do not preclude University-imposed sanctions through Residential Life or the Center for Student Ethics and Standards. Some of the specific legal rules and criminal sanctions are described below:

### **Vermont Penalties**

#### **Alcohol and Drugs**

It is a crime for a person under twenty-one years old (minor) to procure, possess, or transport alcohol. Penalties for procuring, possessing, or transporting alcohol include a fine up to \$500 and/or imprisonment up to six months. It is a crime to sell or furnish alcohol to a minor. Penalties for selling or furnishing alcohol to a minor include a fine up to \$1,000 and/or imprisonment up to two years. It is a crime to misrepresent one's age, possess a false identification card, use someone else's identification card, forge or alter an identification card, or loan an identification card to another for the purpose of obtaining alcohol.

#### **Incapacitation or "Detox"**

Being taken to "detox," as it is often referred, results from consuming dangerous levels of alcohol. When a law enforcement officer encounters a person who s/he deems to be "incapacitated," the officer is required by law to take the person into "protective custody." "Incapacitation" means that the person appears to be in need of medical care or supervision to assure the student's safety due to the student's level of intoxication. This is a civil action to protect the incapacitated person and others, and while it involves handcuffs and other appropriate restraints, it is not necessarily in and of itself an arrest.

After the person is taken into protective custody, the officer is required to get the person the appropriate treatment, either at the emergency room or ACT 1, a 24-hour supervised shelter for

individuals who are intoxicated and/or incapacitated by drugs or alcohol and who have come to the attention of law enforcement. If ACT 1 is full, or if the individual acts out, refuses to cooperate, or refuses treatment, then s/he will be taken to the Chittenden County Correctional Facility (jail). Depending upon one's actions during the incident, individuals may be cited for civil and/or criminal violations.

### **Open Container Ordinance**

City of Burlington ordinance prohibits the possession of open containers of alcohol and the consumption of alcohol in public places unless specific advance approval is obtained from the City of Burlington. City of Burlington ordinance prohibits the possession of open containers and the consumption of alcohol in motor vehicles at any time.

### **Marijuana**

It is a crime to knowingly possess, cultivate, deliver, or sell marijuana. Penalty for a first violation of possession includes a fine up to \$500 and/or imprisonment up to 6 months. Penalties for delivering or selling include a fine up to \$10,000 and/or imprisonment up to two years. Subsequent violations, cultivation, delivering, or sales of 1/2 ounce or more include much heavier fines e.g. up to \$500,000 and much longer imprisonment, e.g. up to 15 years. 18 VSA section 4230.

### **Cocaine**

It is a crime to knowingly possess, deliver, or sell cocaine. Penalties for possession include a fine up to \$2,000 and/or imprisonment up to one year. Penalties for delivery include a fine up to \$75,000 and/or imprisonment up to three years. Penalties for selling cocaine include fines up to \$100,000 and/or imprisonment up to five years. Penalties for possession, delivery, or sales of 2.5 grams or more include much heavier fines and much longer imprisonment. 18 VSA section 4231.

### **LSD**

It is a crime to knowingly possess, deliver, or sell LSD. Penalties for possession include a fine up to \$2,000 and/or imprisonment up to one year. Penalties for delivery include a fine up to \$25,000 and/or imprisonment up to three years. Penalties for selling LSD include fines up to \$25,000 and/or imprisonment up to five years. Penalties for possession, delivery, or sales of 100 milligrams or more include much heavier fines and much longer imprisonment. It is a crime to knowingly possess, deliver, or sell hallucinogenic drugs other than LSD. Penalties are very similar to those for LSD. 18 VSA section 4235.

### **Heroin**

It is a crime to knowingly possess, deliver, or sell heroin. Penalties for possession include a fine up to \$2,000 and/or imprisonment up to one year. Penalties for delivery include a fine up to \$75,000 and/or imprisonment up to three years. Penalties for selling heroin include fines up to \$100,000 and/or imprisonment up to five years. Penalties for possession, delivery, or sales of 200

milligrams or more include much heavier fines and much longer imprisonment. It is a crime to knowingly possess, deliver, or sell depressants, stimulants, and narcotic drugs other than heroin or cocaine. Penalties are very similar to those for heroin or cocaine. 18 VSA section 4234.

**Federal Penalties**

**Forfeiture of Personal Property and Real Estate (21 USC 853)**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 USC 841 and Sentencing Guidelines, 18 USC Appendix)**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions or convictions involving additional circumstances may be much more severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance may face a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

<b>Drug/Substance</b>	<b>Amount</b>	<b>Penalty - 1st Conviction</b>
Barbiturates	Any amount	Up to 5 years prison. Fine up to \$250,000
Cocaine	5 kgs. or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	Less than 500 grams	Up to 20 years prison. Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	Up to 20 years prison. Fine up to \$1 million
Ecstasy	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
GHB	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
Hashish	10-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.

	10 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Hash Oil	1-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	1 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Heroin	1 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	100 grams or less	Up to 20 years prison. Fine up to \$1 million
Ketamine	Any amount	Up to 5 years imprisonment. Fine up to \$250,000. 2 years supervised release
LSD	10 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	1-10 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
Marijuana	1000 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 kg	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	50-99 kg	Up to 20 years imprisonment. Fine up to \$1 million
	50 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Methamphetamine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	Up to 20 years prison. Fine up to \$1 million
PCP	100 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-99 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	Up to 20 years. Fine up to \$1 million
Rohypnol	1 gram or more	Up to 20 years imprisonment. Fine up to \$1 million
	less than 1 gram	Up to 5 years imprisonment. Fine up to \$250,000

**Federal Drug Possession Penalties (21 USC 844)**

Persons convicted on Federal chargers of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- A. It is a first conviction and the amount of crack possessed exceeds 5 grams;
- B. It is a second conviction and the amount of crack possessed exceeds 3 grams;
- C. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

## **Counseling and Treatment Resources**

The University encourages individuals who desire education, counseling or treatment related to the abuse of alcohol or other drugs to obtain such services either through the University or in the community. The University offers educational programming related to alcohol and other drugs through the Center for Health and Wellbeing's Health Promotion Service and Counseling and Psychiatry Services (CAPS). Counseling, referral and consultation services for abuse, misuse and/or addiction is available through CAPS. The University may, in addition to other sanctions or as a penalty for a minor first offense, require any student found responsible for violation of this policy to participate in education, consultative and/or educational programs related to drug or alcohol use.

## **Forms**

None

## **Contacts**

For questions concerning this policy, please contact:

The Office of the Vice President for Student and Campus Life  
Associate Vice President for Campus Life and Dean of Students  
University Police Services

## **Related Documents/Policies**

Code of Student Rights and Responsibilities (link)

<http://www.uvm.edu/policies/student/studentcode.pdf>

Medical Amnesty Program

<http://www.uvm.edu/~dos/>

Drug-Free Workplace Policy

[http://www.uvm.edu/policies/general\\_html/drugfreeworkplace.pdf](http://www.uvm.edu/policies/general_html/drugfreeworkplace.pdf)

Alcohol Policy – Faculty and Staff

[http://www.uvm.edu/policies/general\\_html/alcohol\\_employees.pdf](http://www.uvm.edu/policies/general_html/alcohol_employees.pdf)

## **Effective Date**

Approved by the President on February 15, 2011