OFFICE OF COMPLIANCE SERVICES
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POLICY

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Title: Alcohol, Cannabis, Tobacco, and Other Drug Use – Students

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. Possession or use of Alcohol, Cannabis, Tobacco and other illicit drugs outside the expectations set forth in this policy is in conflict with the educational mission of the University.

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 and attendant state laws. The University has adopted programs to provide education about the harmful effects of Alcohol, Tobacco, Cannabis and Illicit Drugs, as defined in this Policy, and to prevent the misuse thereof.

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 excuse for behavior that violates community standards. The University seeks to provide an environment free from the adverse effects of Alcohol, Tobacco, Cannabis and Illicit Drug use, and the Illicit Use of Controlled Substances; we support students who are in recovery and all students who choose not to use substances. 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, Tobacco, Cannabis and Illicit Drugs, and the Illicit Use of Controlled Substances. This policy is designed to support students achieve success in their higher education experience. The goal is to help students develop self-awareness, and ultimately become more responsible, respectful, and engaged members of our community. The University holds students, Recognized Student Organizations, and varsity athletic teams, 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 appropriate campus disciplinary body.

The University recognizes that the amount or type of certain substances used may indicate 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 use 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.

Applicability of the Policy

This policy applies to students, including degree-seeking, non-degree, and non-credit students; Recognized Student Organizations; varsity athletic teams; and guests of any of the above, on University Property and/or engaged in a University Activity.

Individuals enrolled in precollege coursework through Continuing and Distance Education (i.e., Summer Academy) also must comply with this Policy. Violations of conduct requirements by individuals enrolled in precollege coursework will be addressed through processes established by Continuing and Distance Education.

Off-campus conduct in violation of either this policy or local, state, or federal laws regulating drug or alcohol use, may result in referral into the conduct process or other appropriate administrative action.

In addition to the expectations set out in this Policy, students may also be subject to review of the same conduct for (1) violation of professional standards related to an academic program; (2) conduct standards associated with Athletics; (3) conduct standards associated with Recognized Student Organizations; (4) Housing and Meal Plan Contract Terms and Conditions; (5) eligibility to participate in other University sponsored programs.

Definitions

Alcohol:	the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including anything containing at least one-half percent (0.5%) ethanol by volume. Including, but not limited to, beer, seltzer, wine, liquor, or mixed drinks."
Cannabis:	the parts, products, and non-hemp derivatives of the plant cannabis, including any product containing natural or synthetic THC. This includes medical marijuana, irrespective of "having a medical card", since cannabis is a Schedule I substance under the Controlled Substances Act. Cannabis is illegal under federal law. Possession and use are strictly prohibited on university property and at university activities. For more information, please see "Cannabis: What Students Need to Know"
Controlled Substances:	any of the substances listed in the schedules of the Controlled Substances Act of 1970, and/or any of the controlled or regulated drugs under state law.
Drug Paraphernalia:	any equipment, products, devices, or materials used, promoted, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing illicit drugs into the human body. Items such as rolling paper, wraps, grinders, pipes, carburetion devices, bongs, hookahs, vaping devices, empty pods or cartridges, roach clips, miniature spoons, grow lights, and scales are examples of drug paraphernalia. Drug paraphernalia neither includes needles and syringes distributed or possessed as part of an organized community-based needle exchange program, nor items distributed as part of an organized safety effort including but not limited to testing supplies or Narcan.
Hemp:	The plant cannabis sativa L. and any part of the plant with a tetrahydrocannabinol (THC) concentration of not more than 0.3 percent by dry weight.

Illicit Drug(s): Controlled Substances, and analogs, extracts, and derivatives thereof, as defined by federal law, and controlled or regulated drugs as defined by state law, for which a student does not have a valid prescription to possess or use. For purposes of this policy, and pursuant to federal law, Cannabis is a controlled substance regardless of whether any state has decriminalized use or possession or a student is a "Registered Patient" under Vermont's Therapeutic Use of Cannabis ("Medical Marijuana") law (18 V.S.A. Chapter 86 Subchapter 2), and use or possession thereof on University Property or at University Activities is strictly prohibited.

Illicit Use: Use of a Controlled Substance for which an individual does not have a valid prescription or misuse of a validly prescribed Controlled Substance.

Medical Marijuana: Cannabis for which the Student is a Registered Patient under Vermont law (18 V.S.A. Chapter 86 Subchapter 2). Pursuant to federal law, possession and use is strictly prohibited on University Property and at University Activities. The state of Vermont does not honor out-of-state medical cards.

Possession: Control over a substance or object with or without regard to ownership.

Recognized Student Organization: Those student organizations recognized by the University in accordance with the provisions of the University Policy on Group and Organization Recognition.

Student: Any person registered for, enrolled in, or auditing any course(s) at the University of Vermont. 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; students who were enrolled at the time of the incident; persons who demonstrate an intent to enroll by registering for courses; and students participating in study abroad programs.

Tobacco: a state controlled and regulated drug, as defined by 7 V.S.A. § 101 and this Policy, to include:

Tobacco Products include cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and other tobacco products;

Tobacco Substitutes include nicotine pods and juices, electronic cigarettes or other electronic or battery-powered devices that contain and are designed to deliver nicotine or other substances into the body through the inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes;

Tobacco Paraphernalia: includes any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, grinders, pipes, water pipes, carburetion devices, bongs, hookahs, vaping devices, and empty pods or cartridges.

University Activity: 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 classes (credit or non-credit), 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 recognized student organizations) pays expenses, or provides facilities, services, supplies or transportation. Acts and events held at a private residence owned or controlled by a recognized student organization are not considered University Activities for purposes event registration under this policy.

University Property: Any property owned, leased, or controlled by the University of Vermont, including any motor vehicle or watercraft.

Procedures

Possession or consumption of Alcohol by students on University Property or at University Activities 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.

Consistent with the University's Tobacco Free Policy, possession or use of Tobacco is strictly prohibited on University Property, regardless of age. Possession and use of Tobacco by individuals under the age of 21 is further regulated by state law.

Possession or use of Cannabis and Illicit Drugs by students on University Property or at University Activities (on or off-campus) is strictly prohibited by federal law and University policy. Illicit Use of Controlled Substances is similarly prohibited.

Alcohol, Tobacco, Cannabis and Illicit Drugs, including associated Drug Paraphernalia, possessed or consumed in violation of this policy are subject to confiscation. Any student in possession of or who has consumed Alcohol, Tobacco, Cannabis or Illicit Drugs, and any student who has Illicitly Used a Controlled Substance, in violation of this policy is subject to the student conduct process as outlined in the Code of Student Conduct and possible civil or criminal prosecution under applicable federal, state and local laws. Alleged violations of this policy by Recognized Student Organizations will be resolved in accordance with the Student Organization Misconduct Operating Procedure. Allegations of University policy violations by Varsity Athletics teams are addressed in accordance with the UVM Student-Athlete Code of Conduct, and its associated procedures. Resolution in accordance with Student Organization Misconduct Operating Procedures and the UVM Student-Athlete Code of Conduct is in addition to applicable Conduct procedures for individual students.

The University is committed to creating a quality learning environment free from the misuse of Alcohol. Possessing and using devices designed or intended to be used for the rapid consumption of Alcohol (i.e. funnels, beer bongs, etc.), and engaging in behaviors intended to intoxicate (i.e. races, games, etc.) may be considered by a conduct meeting facilitator when considering appropriate outcomes. 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 behaviors constitute violations of the Alcohol, Cannabis, Tobacco and other drug policy:

Alcohol 1.

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.

b. Possessing, furnishing, or consuming alcohol on University Property or at Activities, including the on-campus residential areas of the University, regardless of age, except as otherwise permitted in this or other University policies.
c. Purchasing, furnishing, or serving alcohol to or for an underage person, or enabling an underage person to purchase, access, or consume alcohol.
d. Being intoxicated, regardless of age, to the degree that the student's condition warrants emergency assistance, or protective custody, as determined by a police officer, first responder, or other medical personnel.
e. Being in the presence of, or possession of alcohol containers, whether empty or containing any amount of alcohol, creates a reasonable presumption that the student(s) present or in possession of the container consumed its original contents.

Alcohol 2.*

a. Operating a motor vehicle after consuming alcohol and resulting in conditions where state law mandates being taken into custody or the student's condition warrants intervention, as determined by a police officer, to prohibit further operation of the vehicle.

Illicit Drugs and Illicit Use of Controlled Substances 1.

a. Possessing or using Illicit Drugs including Cannabis, as defined by federal, state, or local statutes, and this Policy.
b. Illicit Use of a Controlled Substance, including possession or use of Medical Marijuana on University Property or at University Activities.
c. Possessing or using Drug Paraphernalia irrespective of whether or not it is or has been used in connection with illicit drugs or illicit use of controlled substances.
d. Being under the influence of Illicit Drugs or Controlled Substances due to Illicit Use as supported by evidence of actions and/or results of field sobriety tests administered by a police officer.
e. Being under the influence of Illicit Drugs or Controlled Substances due to Illicit Use to the degree that warrants medical attention and/or an individual being taken into protective custody, as determined by a police officer, first responder, or other medical personnel.
f. Purchasing for, furnishing to, or enabling an underage person to purchase, access, or consume Cannabis; or Purchasing for, furnishing to, or enabling another person to purchase, access, or consume Illicit Drugs.

Illicit Drugs and Illicit Use of Controlled Substances, Other than Tobacco 2. *

a. Growing and/or manufacturing any Illicit Drug, including Cannabis, as defined by federal, state, or local statutes, and this Policy.
b. Operating a motor vehicle while under the influence of Illicit Drugs or due to Illicit Use of Controlled Substances.
c. Distributing, selling, or possessing Illicit Drugs, including Cannabis, with the intent to distribute or sell, as defined by federal, state, or local statutes.

Tobacco (including Tobacco Products, Tobacco Substitutes, and Tobacco Paraphernalia 1.

a. Using Tobacco, which expressly includes Tobacco Products, Tobacco Substitutes, and Tobacco Paraphernalia, on University Property or at a University Activity, regardless of age.
b. Purchasing or furnishing Tobacco, as defined herein, for or to a person under the age of 21, or enabling a person under the age of 21 to purchase, access, or consume Tobacco.
c. Possessing Tobacco, as defined herein, if under the age of 21.

*Students found responsible for violations of a more egregious nature may be issued more serious outcomes, including but not limited to separation from the University. (See "Egregious Violations" in Potential Outcomes to a Conduct Meeting.)

Registration and Catering for Events
Under no circumstances are Illicit Drugs permitted at University Activities or on University Property. Illicit Drugs explicitly include analogs, extracts, and derivatives of controlled substances, such as non-hemp derived Cannabidiol (CBD).

University Recognized Student Organizations may apply to sponsor University Activities at which Alcohol is served under the following regulations:

1. Sponsors must apply for approval and register any on-campus or off-campus event which constitutes a University Activity by completing and submitting an alcohol event registration form 30 days in advance of the event.

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 off-campus events sponsored by undergraduate student organizations, sponsors must obtain approval from the Department of Student Life (310 Davis Center).

    d. For off-campus events sponsored by College of Medicine student organizations, sponsors must obtain approval from the College of Medicine Office of the Associate Dean for Students.

    e. For off-campus events sponsored by Graduate Student Organizations, sponsors must obtain approval from the Dean's Office in the Graduate College.

3. Sponsors are responsible for the behavior of those attending the University Activity.

4. Sponsors must assume all financial costs (custodial, security, damages, etc.) associated with the University Activity. Non-alcoholic beverages and food must also be provided in sufficient quantity and quality that individuals attending have adequate food and beverage alternatives.

5. After an event has been properly registered, sponsors of on-campus University Activities involving Alcohol must secure the services of UVM Dining as the licensed caterer; sponsors of off-campus University Activities involving Alcohol must secure the services of a licensed caterer.

6. Sponsors must cooperate with the caterer in establishing means by which only individuals of legal age are allowed to consume Alcohol.

Publicity, Advertising, Marketing, and Promotion of University Activities

1. Officially Recognized Student Organizations must not enter into any promotional agreements or advertising agreements for University Activities with alcohol beverage distributors/companies or their agents, except for paid advertisements accepted by recognized student media organizations.

2. Officially Recognized Student Organizations also must not enter into any promotional agreements or advertising agreements for University Activities with Illicit Drug distributors/companies or their

agents, expressly including those related to Cannabis and its analogs, extracts, and derivatives, such as non-Hemp derived Cannabidiol (CBD).

3. Only on-campus University Activities which are properly registered and at which Alcohol is served by the licensed caterer may be advertised on campus.

4. The sponsoring organization is responsible for any publicity, advertising, marketing, or promotion that is disseminated in conjunction with the University Activity 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.

    f. Illicit Drugs, including Cannabis, have no place in any publicity or promotion.

Health Risks Associated with Alcohol Use and Illicit Drug Use

The excessive use of Alcohol, Illicit Use of Controlled Substances, and use of Illicit Drugs, including Cannabis, 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, use of Illicit Drugs, and Illicit Use of Controlled Substances, may be obtained at Living Well in the Davis Center and at other student health services locations.

Health Risks Associated with Tobacco Use

Cigarette smoking causes more than 480,000 deaths in the United States each year, including an estimated 42,000 deaths from exposure to secondhand smoke. Smokeless tobacco can lead to nicotine addiction and cause cancer of the mouth, esophagus and pancreas. (Source: Centers for Disease Control and Prevention).

There has been an explosion in the use of E-cigarettes (electronic cigarettes)/vaping in our youth. E-cigarettes are not safe for youth, young adults, pregnant women, or adults who do not currently use tobacco products. E-cigarettes produce aerosolized nicotine and can also be used to deliver Cannabis and other drugs. Nicotine is highly addictive, toxic to developing fetuses and can harm brain development in adolescents and young adults. It can additionally impact learning, memory, and attention as well as increase risk for future addiction to other drugs. E-cigarette aerosol can contain harmful and potentially harmful substances. E-cigarettes can cause unintentional injuries due to fire, explosions and accidental ingestion of the liquid. (Source: Centers for Disease Control and Prevention).

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 § 2283, is statewide.

Faculty, staff, and students should intervene as appropriate when observing violations of this Policy. When anyone is experiencing severe intoxication and/or serious injury after consuming Alcohol, Illicit Drugs, or Illicit Use of Controlled Substances, it is imperative that assistance is called immediately without hesitation or fear of potential disciplinary outcomes. 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 this 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 Conduct and/or to appropriate law enforcement agencies. Students, Recognized Student Organizations, and varsity athletics teams found responsible for violation of this Policy face a range of disciplinary outcomes, including suspension or permanent separation from the University, in addition to potential criminal outcomes.

Because of the significant costs of responding to intoxication, regardless of substance (e.g. controlled substances, illicit use, or alcohol), students who are taken into protective custody will be charged for related services. Being dangerously intoxicated is a violation of University policy and will be referred to the Center for Student Conduct. Repeated instances of dangerous intoxication may result in dismissal.

Summary of Relevant Provisions of Vermont and Federal Law

Vermont and Federal laws control the possession and sale of Alcohol, Tobacco, and Illicit Drugs, as well as the Illicit Use of Controlled Substances, within the State of Vermont. Violations of these provisions may result in civil or criminal sanctions. Involvement with the justice system is a serious matter even if maximum fines or prison sentences do not result. A charge or conviction can adversely affect job opportunities, admission to, or ability to continue in, graduate or professional schools, and eligibility for training and financial aid opportunities. Specifically, under the Higher Education Act of 1998, students convicted under federal or state law of the sale or possession of Illicit Drugs may 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 federal financial aid 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 Illicit 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 civil or criminal charges, and imposition of sanctions, do not preclude University-imposed outcomes through Residential Life or the Center for Student Conduct.

For a comprehensive listing of state and federal penalties see Appendix A.

Counseling and Treatment Resources

The University encourages individuals who desire education, counseling or treatment related to the use of Alcohol, Illicit Drugs, or Illicit Use of Controlled Substances, to obtain such services either through the University or in the community. The University offers educational programming through the Center for Health and Wellbeing's Living Well Office and Counseling and Psychiatry Services (CAPS). Counseling, referral, and consultation services for concerning substance misuse and/or addiction is available through

CAPS. The University of Vermont Catamount Recovery Program serves students actively in and seeking recovery from substance use. The University may, in addition to other outcomes or as a penalty for a minor first violation, require any student found responsible for violation of this policy to participate in education, consultative and/or educational programs related to nicotine, drug or alcohol use.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	**Contact Information:**
Vice Provost for Student Affairs	41 South Prospect Street Burlington, Vermont 05405 (802) 656-3380 http://www.uvm.edu/studentaffairs
University Police Services	284 East Avenue Burlington, Vermont 05405 (802) 656-3473 https://www.uvm.edu/police/

Forms/Flowcharts/Diagrams

- Approval for On and Off-Campus Student Organizations Programs with Alcohol Service
- Procedures for Event Planning with Alcohol

Related Documents/Policies

- Alcohol, Cannabis, Tobacco, and Other Drug Use Policy – Faculty and Staff
- Cannabis: What Students Need to Know
- Code of Student Conduct
- Group and Organization Recognition Policy
- Hazing Policy
- Student Organization Misconduct Investigation and Resolution Procedure

Regulatory References/Citations

- Agricultural Marketing Act, 60 Stat. 1087 (7 U.S.C. 1621 et seq.)
- Controlled Substances Act, 84 Stat. 1236 (21 U.S.C. 801 et seq.)
    - Drug Enforcement Administration, Schedule of Controlled Substances
- Drug Free Schools and Communities Act, 34 C.F.R. 86 (20 U.S.C. 1011i)
- Vermont Possession and Control of Regulated Drugs, 18 V.S.A. Chapter 84, Subchapter 1
- Vermont Therapeutic Use of Cannabis Law, 18 V.S.A. Chapter 86, Subchapter 2
- Vermont Tobacco Products Law, 7 V.S.A. Chapter 40

Training/Education

Training/education related to this policy is as follows:

Training Topic:	Prevention education and healthy decision-making related to alcohol and other drugs.		
Training Audience:	First Time, First Year Students	**Delivered By:**	Vice Provost and Dean of Students Office
Method of Delivery:	In-Person during Orientation Programming and Opening Weekend; On-Line via AlcoholEdu	**Frequency:**	Annually

About this Policy

Responsible Official:	Vice Provost for Student Affairs	**Approval Authority:**	Provost and Senior Vice President
Policy Number:	V. 2.3.9	**Effective Date:**	August 20, 2019
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