

University of Michigan-Flint Alcohol and Other Drugs (AOD) Policy 2013-2014

Introduction

The University of Michigan-Flint, is committed to providing a safe, healthy learning community for all its members. The university recognizes that the improper and excessive use of alcohol and other drugs may interfere with the university's mission by negatively affecting the health and safety of students, faculty and staff. Problems such as vandalism, assault, harassment, and disruption of sleep and study space increase in relation to misuse. It is due to the harm caused by excessive and illegal use that the university has a vested interest in establishing policies to prohibit unlawful behavior, and sanctions to address policy violations by members of the UM-Flint community.

Under the **Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1991**, the university is required to have an alcohol and other drug policy and distribute this policy annually to all employees and students. This policy must outline the university's prevention, education and intervention efforts, and consequences that may be applied by both the university and external authorities for policy violations. The law also requires that individuals be notified of possible health risks associated with the use and abuse of alcohol and other drugs, and sources of assistance for problems that may arise as a result of use.

Alcohol and Other Drugs Policy

Employees, students, and campus visitors may not consume, possess, distribute, or be under the influence of non-prescription drugs and/or alcoholic beverages on university property, with the following exception:

1. University functions at which use of alcohol is approved.

Michigan law prohibits the dispensing, selling or supplying of drugs or alcoholic beverages to a person under twenty-one years old. While on university property all individuals are prohibited from possessing, consuming, manufacturing, dispensing, or being under the influence of illegal drugs or engaging in improper self-medication. All members of the campus community are also governed by laws, regulations and ordinances established by the state and local municipalities, and will be held accountable by law enforcement representatives of those entities for any illegal activity. It is the responsibility of all campus members to be aware of these laws.

Alcohol and Other Drugs Prevention Program

Changing the community culture from one that is indifferent to, or tolerates, the harm caused by excessive and illegal use, requires participation by all members of the community. The University of Michigan-Flint has a comprehensive substance abuse prevention program, which utilizes nationally recognized best practices. These practices are employed in order to actively promote an environment that discourages the harmful abuse of alcohol and other drugs, and strives to prevent subsequent negative outcomes. Strategies that are utilized include: informing students about alcohol and other drug policies, and possible consequences for policy violations; educational media campaigns, promoting legal, moderate use; providing information to students' parents about alcohol issues on campus during parent orientation; facilitating various education, skill building, and intervention programs to assist students in gaining knowledge and skills; and providing resources and support for students who seek treatment services. For more information please contact the Assistant Vice Chancellor for Student Affairs at 810-237-6649.

Health Risks

The use or abuse of alcohol and other drugs increases the risk for a number of health related and other medical, behavioral, and social problems. These include acute health problems related to intoxication or overdose (blackouts, convulsions, coma, death); physical and psychological dependence; malnutrition; long-term health problems, including cirrhosis of the liver, organic brain damage, high blood pressure,

heart disease; contracting diseases such as AIDS, through sharing of hypodermic needles; pregnancy problems including miscarriages, fetal alcohol syndrome (physical and mental birth defects); psychological or psychiatric problems; diminished behavior (hangovers, hallucinations, disorientation, slurred speech); unusual or inappropriate risk-taking which may result in physical or emotional injury or death; violent behavior towards others, such as assault and rape; accidents caused by operating machinery while impaired; impaired driving resulting in alcohol and drug-related arrest, traffic accidents, injuries and fatalities; negative effects on academic work performance; conflicts with co-workers, classmates, family, friends and others; conduct problems resulting in disciplinary action, including loss of employment; and legal problems including imprisonment.

Counseling and Treatment Programs

The University of Michigan-Flint encourages individuals with alcohol or other drug-related problems to seek assistance.

Students: The Campus Counselor (810-762-3456) can provide information on local, state, and federal resources available for those seeking assistance.

Faculty and Staff: The University of Michigan encourages individuals with alcohol or other drug related problems to seek assistance. For information on confidential, no cost services through the university's Faculty and Staff Assistance Program (FASAP), please contact Human Resources at (810) 762-3150 (Flint Campus).

Alcohol and Other Drugs Policy and Student Organizations

The University of Michigan-Flint expects each student organization to promote behavior that is consistent with this Policy. Student organizations will be held to the highest standards and will be expected to comply with all federal, state and local laws, thus minimizing criminal and civil liability to the organization and its members, while helping to ensure the personal safety and welfare of its members and guests.

The following guidelines are recommended:

1. It is illegal for student organizations to sell alcohol in the state of Michigan. Student organizations can significantly improve personal safety and reduce liability by not providing alcohol to any person.
2. If alcohol is to be present at an organization-sponsored activity, the organization can provide for the safety of its members and reduce its liability if:
 1. Alcohol is not the focus of the event;
 2. Appealing alternative beverages are provided;
 3. Procedures are in place to prevent service or sale to persons under the legal age of 21;
 4. Alcoholic beverages are not purchased with organization funds nor with the contributions of individual members;
 5. Alcohol is not served from common or self-serve containers;
 6. Service complies with this Policy, as well as the rules of the facility;
 7. Designated non-drinking hosts are assigned to attend the event;
 8. Alternative transportation (taxi service) is made available to attendees who may be intoxicated.

If alcohol is to be present at an event, the preferred method of serving alcohol is to use a caterer or hold the event at a site provided by a vendor who is licensed to sell and serve alcohol. If these methods are not possible, the next best option is to request that guests of age bring a reasonable and limited amount of alcohol that only they will personally consume at the event. Schools, departments, units and

administrative offices as appropriate are expected to encourage student organization compliance with these expectations and recommendations.

University Sanctions

Students: The university has established expectations for non-academic student conduct under the Statement of Student Rights and Responsibilities. The illicit use of alcohol and other drugs is considered misconduct and subject to disciplinary action:

- “Illegally possessing or using alcohol”
- “Illegally distributing, manufacturing, or selling alcohol”
- “Illegally possessing or using drugs”
- “Illegally distributing, manufacturing, or selling drugs”

The Statement of Student Rights and Responsibilities

(<http://www.umflint.edu/dsa/images/StudentRightsBro.pdf>) is administered by the Division of Student Affairs (DSA). Sanctions cover a wide range of educational assignments and obligations, including but not limited to suspension and expulsion from the institution. The Assistant Vice Chancellor for Student Affairs oversees conduct and hearing processes as outlined in the Statement of Student Rights and Responsibilities.

Academic units of the university may also have written or implied policies concerning management of alcohol use and their response to the illicit use of alcohol and other drugs in the academic setting. Students are expected to know and understand these additional policies and abide by them.

Student Organizations: Policy violations by student organizations will be handled through the student organization judicial process administered through the Department of Student Involvement & Leadership.

Staff and Faculty: Sanctions for violations by faculty and staff are governed by policies within individual departments and any applicable guidelines set by university regulations (Regents' Bylaw 5.09, Standard Practice Guide 201.12 [<http://spg.umich.edu/section/201/>]), appropriate collective bargaining agreements, and other applicable policies or procedures. Appropriate sanctions may include: verbal or written warnings, a mandated rehabilitation program, probation, suspension, and termination. In each case there are likely to be different circumstances that are relevant for understanding the situation and determining the appropriate sanction.

Students/Faculty/Staff and Student Organizations: Unlawful possession, manufacture, use, or distribution of alcohol or illicit drugs by faculty, staff, or students on university property or as a part of any university activity may lead to sanctions within the university, the severity of which shall increase as the seriousness of the violation increases. Sanctions include:

- A verbal or written reprimand;
- Completion of an appropriate rehabilitation program;
- A disciplinary warning, with notice that repetition of the offense or continuation of the offense may result in a more serious sanction;
- Suspension from the university (student) or from employment (employee) or from a specified university activity or facility for a fixed period of time or until completion of specific conditions, such as completion of an appropriate rehabilitation program;
- Expulsion from the university (student) or termination of employment (faculty or staff); and/or
- Other appropriate sanctions.

External Sanctions

Federal laws impose significant criminal penalties for the unlawful possession, use, manufacture or distribution of alcohol and illicit drugs. These penalties include fines and/or imprisonment.

Alcohol: Under Michigan law it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings. There is also a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.

Individuals can be arrested/convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If a student is under 21, there is a "zero tolerance" law in the state of Michigan and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) ticket as well as being cited for operating a vehicle while intoxicated. This is in addition to suspension of driving privileges in the state of Michigan.

Medical Amnesty: To better ensure that minors at medical risk as a result of alcohol intoxication will receive prompt and appropriate medical attention, in 2012, the State of Michigan adopted a medical amnesty law to remove perceived barriers to calling for or seeking help. Michigan law continues to prohibit a minor from purchasing, consuming, or possessing, or attempting to purchase, consume, or possess alcohol and from having any bodily alcohol content. The new law creates an exemption from prosecution for the following:

A minor (under the age of 21) who, after consuming alcohol, voluntarily presented himself or herself to a health facility or agency for treatment or observation, including medical examination and treatment for any condition as a result of sexual assault (as defined in Michigan law).

Any minor (under the age of 21) who accompanied a minor (under the age of 21) who, after consuming alcohol, voluntarily presented himself or herself to a health facility or agency for treatment or observation, including medical examination and treatment for any condition as a result of sexual assault (as defined in Michigan law).

Any minor (under the age of 21) who initiated contact with law enforcement or emergency medical services personnel for the purpose of obtaining medical assistance in connection with a legitimate health care concern.

The university maintains the discretion to refer the individual for appropriate educational intervention(s).

Drugs: Unlawful possession, use, or distribution of alcohol or illicit drugs may lead to a referral to the appropriate local, state, and/or federal authorities for prosecution for a misdemeanor or a felony, depending on the nature of the offense. The sanctions for such offenses may include fines and/or imprisonment.

The illegal sale, possession, and use of alcoholic beverages is prohibited on campus and in UM-Flint facilities. Department of Public Safety officers enforce State underage drinking laws and local ordinances on campus. The possession, use, and sale of illegal drugs is prohibited on campus and in UM-Flint facilities. Department of Public Safety officers enforce State and Federal drug laws on campus.

Employee Reporting Requirement

Under the Drug-Free Workplace Act of 1988, in addition to the other requirements of this policy, a faculty or staff member who works in any capacity under a federal grant or contract must notify his or her university supervisor or department head, in writing, of his or her conviction for a violation of any criminal drug statute occurring in the workplace no later than five calendar days after such conviction. This applies to direct charge employees and to indirect charge employees who perform any support or overhead functions related to the grant. The supervisor or department head must then promptly report the violation to the General Counsel's Office.

Distribution of Policy

A copy of this policy statement will be distributed to all faculty, staff and students annually via email at the beginning of fall and winter semesters.

Review of University Prevention Program and Policy

Biennially the university shall review its "Alcohol and Other Drugs Prevention Program and Policy" to determine effectiveness and implement changes, if needed, and to ensure that the university's disciplinary sanctions are consistently enforced.

For More Information concerning this policy, contact the Vice Chancellor for Student Affairs at 810-762-3434.