

UMM Alcohol and Drug Policy

UMM is committed to the concept that its campus, and in particular its residence halls, complement and foster the academic and intellectual development of its students. There is an expectation that campus residence halls must be conducive to studying, especially in the evenings. To that end, the ability to occupy and enjoy one's room for the purpose of studying in peace and quiet takes precedence over any other activity. Students are also expected to respect designated quiet hours in support of sustaining an environment which fosters academic pursuits. All residents share the responsibility for maintaining this academic environment, which is in no way the sole responsibility of the residence life staff. Use of alcohol or other drugs by no means excuses violation of these rules and expectations.

Alcohol Policy

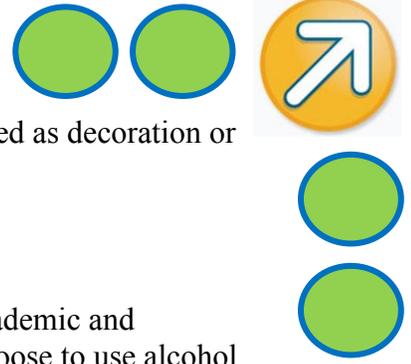
The sale, possession, and use of alcohol on campuses of the University of Maine System must comply with the laws of the state of Maine and with local campus regulations and procedures. The acquisition, possession, transportation, and consumption of alcohol by anyone under 21 years of age is prohibited by University policy. This includes any substances containing even minimal amounts of alcohol (i.e. "near beer"). Alcohol may be possessed or consumed on University property only by persons 21 years of age or older in a residence of an individual that is 21 or older or in appropriately licensed and/or approved campus facilities. Persons are expected to assume responsibility for their own behavior while drinking and must understand that being under the influence of alcohol in no way lessens their accountability to the University community. With individual rights comes responsibility for the consequences of one's behaviors. As such, being under the influence of alcohol or other drugs does not excuse behaviors which violate the law or University policy.

Behavior that is emotionally or physically abusive towards others or oneself or destroys property is not acceptable and may be subject to notification of local authorities or university sanctions when applicable.

The University Student Conduct code process is separate and distinct from the non-University community judicial system and is not bound by the same rules of evidence. An Incident Report serves to initiate a review of an incident by the Office of Student Life. This review may reveal more information. It is up to the Office of Student Life to weigh all the information yielded by the review process of the incident. Because the University has a separate and distinct student disciplinary process, it is not required to report student violations of Maine alcohol laws to the local law enforcement agency. Local law enforcement agencies may be contacted in certain circumstances.

Students **under the age of 21** are prohibited from possessing or consuming alcohol. As such, these students under the age of 21 will also be in violation of University Alcohol Policy for the following:

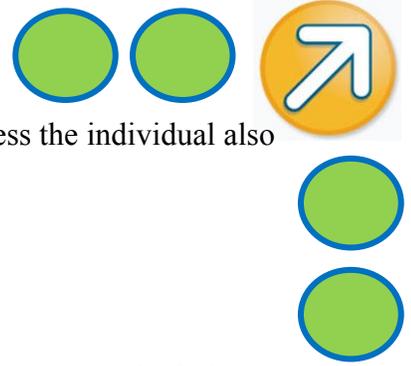
- Possession of any alcohol including possession of a beverage or by consumption.
- Possession of a tap, funnel or other alcohol paraphernalia.



- Possession of empty alcohol containers, including those being utilized as decoration or for storage.
- Sale, distribution or making of alcoholic beverages.
- Allowing violations of the alcohol policy within their residence.

In order to maintain an environment which complements and fosters the academic and intellectual development of its students, students **over the age of 21** that choose to use alcohol are strongly encouraged to do so responsibly and must adhere to the following guidelines:

- All students must obey State law and University policy.
- Drinking, or using any substance which may impair one's ability to operate a motor vehicle, and driving is against the law and extremely dangerous and is therefore not acceptable. If the University becomes aware of such an incident, local authorities will be notified of any such violation.
- The State of Maine has a liquor liability act which governs serving alcohol to minors or any person who is visibly intoxicated. Violation of the Maine Liquor Liability Law is a civil liability statute. Individuals providing alcohol to minors, providing a place for minors to consume or serving liquor to an individual that is visibly intoxicated are at risk of University sanctions and referral to police enforcement.
- Open containers of alcoholic beverages are prohibited in all entryways, hallways, and common areas of the residence halls. Alcohol may only be consumed or possessed by individuals 21 or older within a residence room or suite assigned to a student 21 years of age or older. Any common source of alcohol (e.g. kegs, punch bowls, etc.) is not permitted on campus.
- Drinking games are dangerous and irresponsible and not part of a responsible social gathering.
- Similarly, any paraphernalia designed solely for the purpose of encouraging binge drinking or use of alcohol from a common source are prohibited on University property. This includes taps, "funnels" and other paraphernalia that encourages consumption of large quantities of alcohol in a short period of time.
- Students are expected to know, respect, and observe their own limits of alcohol consumption and respect the limits of others or their decision to abstain from use.
- Large social gatherings are likely to be very disruptive to the community and are therefore discouraged within residence halls. According to Fire Regulations, it is hazardous to have more than 4 individuals in a room or 16 individuals in a suite at one time.
- If a social gathering becomes unruly and the host does not end the gathering, the Residence Life staff will exercise its judgment and end the gathering.
- If a student's behavior violates any part of the University policy due to being intoxicated, the write-up will also fall under a violation of the alcohol policy. Staff need to document how they assessed the person was intoxicated based on reasonable judgments. Sanctions will be determined based on each violation of the student conduct code.
- Providing alcoholic beverages to a minor under the age of 21 is illegal and will therefore constitute a serious violation of the alcohol policy and be sanctioned at a higher level. Students 21 and over are also prohibited from having individuals under the age of 21



present in their residence while consuming alcoholic beverages, unless the individual also resides in that room.

Additional related policies:

- Those students under the age of 21 are prohibited from possessing any empty alcohol containers within their residence at any time, unless they share a room with an individual over the age of 21. As such, any individual or student organization conducting a bottle drive must register their fundraiser with the Student Activities. Residence Life will assist the individual or organization in identifying appropriate guidelines for collection and storage of containers.
- Students are responsible for ensuring that guests respect alcohol and drug policies while visiting their residence. Those residents with guests violating these policies may be subject to disciplinary action.
- In the event that a student is suspended from University housing due to serious or repeated violations of the alcohol and drug policy, the University will not refund housing or tuition, unless otherwise specified by state, federal or other University policy.

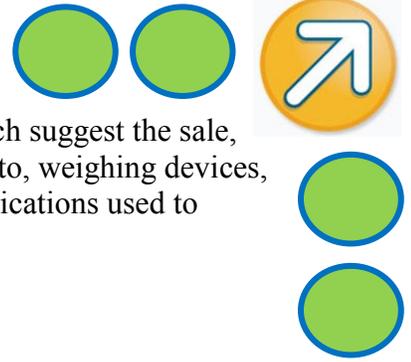
UMM DRUG POLICY

The possession, use, manufacture, dispensing or distribution of illegal drugs (heroin, cocaine, marijuana, LSD, steroids, etc.) is prohibited at any time on University property and as part of any University activities. “Illegal drugs” does not mean the use of drugs under a valid prescription. However, it would apply to the abuse, possession, use, distribution or dispensing of prescription medication beyond its intended prescriptive use. Employees and students known to use, possess, manufacture, dispense, or distribute illegal drugs are liable to public law enforcement actions and University disciplinary actions.

UMM’s Drug Policy is consistent with state laws and the rules of the University of Maine System. As such, “the possession, use, manufacture, dispensing or distribution of illegal drugs is prohibited at any time on University property and as part of any University activities. Students that possess, manufacture, dispense, or distribute illegal drugs are liable to public law enforcement actions and University disciplinary actions.” This also includes the abuse, possession, use, distribution or dispensing of prescription medications beyond their intended prescriptive use. Similarly, the possession or use of drug-related paraphernalia is prohibited on University grounds. As such, students found in possession of any amount of an illegal drug or paraphernalia will be reported to local law enforcement for investigation and possible prosecution. If a student’s behavior is found in violation of the Student Conduct Code while under the influence of an illegal substance, this does not excuse said behavior. These individuals are liable for sanction and legal action based on behaviors and violations of the drug policy.

Any student found responsible for the sale or distribution or in possession of large amounts of an illegal or prescription drug will be sanctioned at the highest levels. Federal law, as a general rule, considers anything more than a dosage unit as indicating an intent to distribute. Severe violations





would also include violations for the possession of items and materials which suggest the sale, manufacture or distribution of illegal substances, including, but not limited to, weighing devices, large sums of money, chemicals or large quantities of over-the-counter medications used to manufacture illicit drugs, or related items.

Sanctions

Sanctions are administered by the Student Conduct Officer, Student Conduct Committee or designee as outlined in the UMS Student Conduct Code. The actual sanctions assigned to a violation is based on the level of severity with increasing sanctions for violations by students under the age of 21, or if the violation threatened or endangered the health and safety of any individuals. Persons are expected to assume responsibility for their behavior while drinking and must understand that being under the influence of alcohol or other drugs in no way lessens their accountability to the University community.

Sanctions may include removal from the residence halls or parental notification in response to incidents in which the individual presents a serious on-going risk to themselves or others due to specific situations, or receipt of up to four repeated offenses during the course of their academic career. Due to the nature of certain violations, some students may lose their housing for a single violation.

This policy will be reviewed on a biennial basis by a committee comprised of students, faculty and staff members. Any questions concerning this policy should be directed to the Office of Student Life. This policy is subject to the Board of Trustee Policy 502 and the informational brochure – Alcohol and Drugs for Students and Employees of the University of Maine System – 2008.

Good Samaritan Rule

The University of Maine at Machias strongly encouraged students to seek assistance for themselves or others if the abuse of alcohol or other drugs has lead to a significant health and safety issue. In particular, students are strongly encouraged to report suspicion of alcohol poisoning, violent crimes or other significant safety concerns. Those reporting such incidents will be granted a certain level of leniency from University judicial action. While these students may still be adjudicated under the student conduct code, their report will be considered when determining any sanctions.

Reviewed: April 2008

Modified and Approved by University Counsel August 2008

Updated August 2006

Approved August 14, 2006.