

**UNIVERSITY OF MASSACHUSETTS DARTMOUTH
ALCOHOL AND DRUG POLICY**

I. GENERAL

Massachusetts's law forbids the sale or serving of alcoholic beverages to persons less than 21 years of age. The law also forbids falsifying identity cards and misrepresenting age in order to obtain alcohol. All members of the University community (and their visitors) are expected to abide by the laws regarding illegal use of alcohol and drugs. Failure to abide by these laws may result in criminal penalties, as well as University discipline, including suspension or expulsion. The specific legislation regarding the local, state or federal sanction for the unlawful possession or distribution of illicit drugs and alcohol are on file with the University Police, Vice Chancellor for Student Affairs. They include:

1. Chapter 94C, The Controlled Substances Laws lists specific controlled substances in classes A, B, C, D, E including "marijuana, cocaine, morphine, opium, heroin, etc." and also lists criminal penalties for any prohibited use of these substances. These include forfeiture of property as well as imprisonment and other criminal penalties. The law also prohibits misuse of drug paraphernalia.
2. Chapter 138, The Laws Pertaining to Alcohol, regulates the sale of alcohol to minors, the use of false identification to obtain alcohol, making false statements as to age to obtain alcohol, and minors in possession of alcohol, minors transporting alcohol, etc.
3. Chapter 90, Section 24 Operating Under the Influence Law is strictly enforced on campus.

Alcohol Consumption Areas

Campus Services authorities may serve alcohol after proper arrangements have been made by the individual and/or group through the Conference Office. For further information, please refer to the Functions/Reservations form.

Consuming

Any person consuming alcoholic beverages outside of a licensed and/or sanctioned area shall be ordered to dispose of said beverage by a University staff person, including but not limited to: student affairs staff, resident assistants, resident directors, and public safety staff. The violation may result in disciplinary action, arrest or criminal summons and mandatory education.

Transporting

Any person observed transporting alcoholic beverages on University property may be required by an identified university official to provide proof of his or her age. If such person is a student less than 21 years of age, he or she may be subject to arrest for a violation of Massachusetts General Laws subject to disciplinary action, including but not limited to, mandatory substance abuse education. Any person less than 21 years of age found unlawfully transporting alcoholic

beverages on University property who is not a current University student he or she may be escorted off campus and may be issued a no-trespass letter from the University. In any event, the police officer/staff person shall confiscate the alcoholic beverages for disposal.

II. THE ALCOHOL AND DRUG EDUCATION COORDINATOR

The Alcohol and Drug Education Coordinator assists all members of the University Community with problems related to substance abuse. The Coordinator administers the University's educational and evaluative efforts in this area. The Coordinator evaluates students hospitalized or put into protective custody due to alcohol or drug abuse upon their return to campus. Students must pay a fee for this service.

III. RULES AND REGULATIONS GOVERNING THE SALE AND SERVING OF ALCOHOL

The laws of the Commonwealth of Massachusetts, the Town of Dartmouth, and the policies of the University of Massachusetts Dartmouth and the regulations of SMUSERV, Inc. govern the service and sale of alcoholic beverages on the UMASS Dartmouth campus. In recognition of these laws, rights and responsibilities, the following rules and regulations are hereby published:

1. The serving and/or sale of any alcoholic beverages by any organization other than SMUSERV, Inc. is not authorized.
2. The SMUSERV, Inc. club license permits alcoholic beverages to be served or sold at UMASS Dartmouth; however, the sale of alcoholic beverages is prohibited in all University buildings with the exception of the following licensed areas: Campus Center (all floors) - West patio of Campus Center Residents Dining Hall - Corsairs Cove Auditorium Lobby - Foster Administration Building (third floor) Group VI.
3. The advertising of the selling of spirits, including beer and wine, is forbidden by provisions of the club license. Each organization must sign a form when the function is booked, indicating that they understand the above regulation; and if they advertise, the advertisement must be approved by the Director of the Student Activities or designee prior to printing, or the event may be cancelled.
4. All bar service shall be closed no later than 12:15 a.m.; however, Campus Services management, or University Police, reserves the right to close any bar at an earlier time to preserve the health and safety of its patrons.
5. Due to the special nature of a club license, all guests at any of Campus Services functions serving alcoholic beverages must be registered. The organization shall be charged a nominal general registration fee to cover all guests in attendance.
6. Campus Services management reserves the right to refuse to serve anyone who in its best judgement may be under the influence of alcohol, or for any reason necessary in its judgement to preserve the health and safety of its employees, customers, guests, or the community. All servers receive training mandated by the Town of Dartmouth General By-Laws.

7. Any law of the Commonwealth of Massachusetts, Town of Dartmouth, and regulations of SMUSERV, Inc. are incorporated herein. Individuals served must be members of SMUSERV, Inc. or a recognized guest.

IV. RESIDENCE HALLS

Students (and their guests) are expected to abide by all laws of the Commonwealth regarding alcohol. The Residence Halls are alcohol free. No person regardless of age may possess, consume, or be in the presence of alcoholic beverages, including but not limited to: alcoholic beverages or empty alcoholic beverage containers, within any area of the residence halls. This includes student rooms, suites, and common areas, such as lounges, bathrooms, hallways, balconies, parking lots, etc. Persons found in violation will be subject to disciplinary action, arrest or criminal summons and mandatory education.

If the Office of Housing and Residential Life determines that additional space is needed for 21+ housing in new residence halls or existing residence halls, the information will be posted in the Torch and on the Student Handbook website. The section of the policy that deals with alcohol in the residence halls will be amended to reflect any changes.

V. CEDAR DELL APARTMENTS

Students (and their guests) are expected to abide by all Commonwealth of Massachusetts Laws regarding alcohol. The Office of Housing and Residential Life will determine which apartments are designated for a 21+ living area. Only responsible and legal consumption of alcohol is permitted in the designated 21+ apartments. Residents who will be qualified to live in the 21+ area include: students who are presently 21 years of age or those who will be 21 years of age by December 31st of the academic year. Any resident living in the 21+ areas of Cedar Dell who is of legal drinking age may possess and consume alcoholic beverages within the capacity of their own apartment. Residents in apartments designated 21+ must restrict the storage, possession and consumption of alcohol to individual rooms of legal age residents within the apartment until all residents have turned 21 years of age. Use of alcoholic beverages in the non-21+ apartments is limited to individual rooms of legal age residents within the apartment. Residents or guests who have open alcohol containers in public areas, or who are in a room/apartment in the presence of, or consuming, alcohol with a person under 21 years of age will be subject to disciplinary action. This policy applies to porches and outdoor areas immediately adjacent to apartments. Individuals may not possess kegs, beer balls or any amount of alcohol or any equipment used to consume or contain quantities that may be deemed excessive. Possession is limited to personal consumption in moderation. University personnel reserve the right to determine appropriate amounts, based on behavior associated with use.

VI. VIOLATION OF POLICY

1. GENERAL

Illegal possession and/or consumption of alcoholic beverages or illegal drugs may result in arrest or criminal summons and will result in disciplinary action up to and including suspension or dismissal from UMASS Dartmouth Housing or from the University.

Any person who is not of legal drinking age may not possess or consume alcoholic beverages anywhere on the campus of UMASS Dartmouth. At no time is the possession and consumption of alcoholic beverages by anyone, regardless of age, permitted in any corridor, stairway, lounge, lobby, porch, grassy area, walkway, parking lot, picnic bench, or any area that can be construed as being public. Exception is made for the bona fide transportation of closed alcoholic beverage containers with the original seal intact by persons of legal age from point of purchase to private areas and any University sanctioned event. Individuals who have open alcohol containers in public may be subject to arrest or criminal summons, disciplinary action and mandatory education.

A person in violation of the Alcohol and Drug Policy will have the alcoholic beverage(s) and drugs (including paraphernalia) in whatever amount confiscated by authorized University personnel. Individuals may not possess kegs, beer balls, ice luges, grain alcohol or any equipment that provides alcohol from a common source. Confiscation will extend to any keg, tap or funnel-type apparatus which appears to have been used for the illegal consumption of alcoholic beverages. Such confiscated items will NOT be returned. Keg/tap will be held until all disciplinary proceedings have concluded and may be returned only to a legal age person claiming responsibility for the keg/tap in a disciplinary proceeding. Any student found in possession of a keg or beer ball or other excessive amounts may be subject to IMMEDIATE dismissal from Housing and may be placed on the “no trespass” list for all residence areas. Individuals of legal drinking age who procure or provide alcoholic beverages for any underage person(s) will be subject to disciplinary action which may include immediate dismissal from the Residences/University.

The procedures and sanctions applicable for violations of this policy are found in the UMASS Dartmouth Code of Student Conduct and the UMASS Dartmouth Student Judiciary Policies and Procedures.

2. REFERRAL AND SANCTIONS

Violators of the UMASS Dartmouth Drug and Alcohol policy are subject to a referral system that includes two aspects: Disciplinary Sanction and Educational Sanction (which includes a fee).

The University referral procedures are as follows:

Guidelines for Violation of the UMASS Dartmouth Alcohol Policy

LEVEL	DISCIPLINARY SANCTION	EDUCATIONAL SANCTION <i>Attendance at one or more of the following programs:</i>		FEE
I.	3 Month Probation	1. Costly Decisions – A two-hour program focusing on impaired driving, and other legal issues regarding the use of alcohol and drugs. 2. <i>Alcohol 101</i> – A three-hour computerized tutorial providing the physiological, psychological and legal information of alcohol use.		\$25.

		3. Blood Alcohol Educator – A three-hour computerized tutorial in which students experience how a wide range of factors can influence one's Blood Alcohol Concentration (BAC).		
II.	Residence Hall Jeopardy and/or University Jeopardy for one semester	1. Alcohol 201 – A four-hour program focusing on the medical, academic, and personal dangers of alcohol abuse. 2. <i>Alcohol EDU</i> – A four-hour computerized alcohol education tutorial in which students experience the virtual reality of alcohol abuse and its alternatives. 3. <i>SLAM</i> (Students Learning A Message) – a four-hour program in which students observe life in jail and speak with inmates imprisoned due in part to the consequences of alcohol abuse.		\$50.
III.	Residence Hall and/or University Suspension or Dismissal	Chemical Dependence Evaluation by the alcohol and drug education coordinator.		\$100.

Guidelines for Violation of the UMASS Dartmouth Drug Policy

LEVEL	DISCIPLINARY SANCTION	<i>EDUCATIONAL SANCTION</i> <i>Attendance at one or more of the following programs</i>	<i>FEE</i>
I.	Residence Hall and/or University Jeopardy	1. Cannabis Consequences – A two-hour program focusing on the harmful effects of marijuana. 2. Drug 101 – A four-hour program focusing on the medical, academic, and personal dangers of drug abuse. 3. <i>SLAM</i> (Students Learning A Message) – A four-hour program in which students observe life in jail and speak with inmates imprisoned due in part to the consequences of drug abuse.	\$50.
II.	Residence Hall and/or University Suspension or Dismissal	Chemical Dependence Evaluation by the Alcohol and Drug Education Coordinator.	\$100.

Note: Sanctions are cumulative throughout a student's college career until graduation.

The University may subject sanctioned violators to an additional \$25 fee per missed session and/or unpaid fees. More severe sanctions may be imposed on students with prior judicial histories. In addition, sanctions may be increased in consideration of the severity of the behavior and its impact on the university community.

3. PARENTAL NOTIFICATION

Contact will be made with parents/guardians of those students who are under the age of 21, each time the student has been found in violation of the UMD Alcohol and Drug Policy. These contacts will be made after the judicial process is completely exhausted, including the time period allotted for the appeal process. Only the specifics regarding the alcohol and/or drug violation will be discussed with the parents/guardians. If there are other violations related to the alcohol and/or drug violation, written permission from the student must be obtained before any specifics about the non-alcohol and/or drug violations can be shared with the parents/guardians. If parents/guardian contacts any university official prior to the completion of the process, written permission from the student must be obtained before specifics about the incident can be shared. In emergency situations, parents/guardians may be contacted prior to the completion of the judicial process.

PRIMARY VIOLATIONS:

Specifics: A violation of the UMD Alcohol and/or Drug Policy that results in hospital/medical intervention; A violation of the UMD Alcohol and/or Drug Policy that results in police intervention which results in arrest, court summons or protective custody (parents will be told of the arrest/summons/protective custody, but will not be told of the specifics of the court case); Behavior that is influenced by alcohol and/or drug use, specifically: Assault, Causing harm to self/others, potential harm to self/others exists. A violation of the UMD Alcohol Policy that results in the student receiving the sanction of University Jeopardy; A violation of the UMD Alcohol and/or Drug Policy that results in the resident student receiving the sanction of Residence Jeopardy.

Contact: At this level, after the judicial process has been exhausted, the initial contact with the parent will be through a phone call. The phone call will be made by the Coordinator for Student Judicial Affairs, or designee. After phone contact has been made, the same individual may follow-up with a letter to the parents. This letter will state that a violation of the UMASS Dartmouth Alcohol and/or Drug Policy has occurred and the phone number of the person who sent the letter and may highlight the phone conversation.

SECONDARY VIOLATIONS:

Specifics: Any violation of UMD Alcohol and/or Drug Policy not outlined under “Primary Violations.”

Contact: At this level, after the judicial process has been exhausted, contact will be made by means of a letter.

CONTENTS OF LETTER:

The letter sent home to parents for secondary violations should be a form letter, signed by the Hearing Officer or designee and should contain the following information: A general statement that a

violation of the UMD Alcohol and/or Drug Policy has occurred; Resources available on campus; A statement that repeated offenses can/will jeopardize the Residence Hall Contract and/or standing as a student at UMD; including up to suspension or expulsion from the University; The phone number of the Hearing Officer or designee, should the parents wish to talk with someone directly.

Doc. T93-116, as amended | Alcoholic Beverage Policy, Dartmouth

Passed by the Board of Trustees on December 1, 1993

Revised:

November 10, 1999

May 7, 2003