



## **Alcohol and Drug-Free Work Place Policy**

Cleary University, in compliance with Public Law 101-226 (Drug-Free Schools and Communities Act), presents the standards listed below to the entire University community: staff, faculty, administration, and students. These guidelines are intended to protect and serve each member of this community and to ensure that each member has a full understanding of the position of the University.

### **Standards of Conduct**

- Unlawful possession, distribution, dispensation, sale or manufacture of illicit drugs and the unlawful possession, use or distribution of alcohol on university property, at any university work site or as part of any university activity, is prohibited.
- Any incident of suspected possession, sale, use, or distribution of illegal drugs or alcohol on the campuses or at any University function will result in the suspected party being asked to leave the premises and may be reported to local legal authorities.
- Functions sponsored by the University may permit alcohol to be served only according to the laws of the State of Michigan, local communities, and federal statute. Monitoring will be the responsibility of the event sponsor.
- No member of the University community shall report to work or class, or conduct University business on the premises while under the influence of alcohol or any illegal drug.

### **Sanctions**

- Any employee or student who, while on university premises or at any university activity, engages in the unlawful possession, sale, manufacture, distribution or use of drugs or alcohol shall be subject to appropriate sanctions, in accordance with established university policies and in conformity with local, state and federal law, up to and including expulsion or termination.
- Members of the University using or addicted to illegal drugs or alcohol will be encouraged to seek treatment. Continued drug or alcohol abuse, or violation of local, state, and federal laws or University policy, will result in disciplinary actions up to and including expulsion or dismissal.
- Members of the University that are found to have violated this policy may be required to participate in a drug or alcohol treatment program as a condition of further employment or enrollment.

- Any member of the University who is convicted of a criminal drug offense occurring at the workplace is subject to appropriate employee discipline in accordance with established university policies and may be required to participate satisfactorily in a drug abuse or rehabilitation program as a condition of continued employment.

### **State and Federal Laws**

- The sale, distribution or use of illicit drugs violates both federal and Michigan law. Conviction of drug-related offenses may result in heavy fines and prolonged imprisonment.
- An individual convicted on federal drug trafficking charges faces a jail term of up to 40 years and a fine of up to \$5 million. Federal penalties for illegal possession of controlled substances, even in small amounts and even for first offenders, include fines ranging from \$1,000 to \$100,000 and imprisonment for up to one year. Penalties for repeat offenders or for possession of crack cocaine are even greater.
- Michigan law has comparable penalties. Both Michigan and federal law provide for the forfeiture of property used to facilitate possession or transportation of illicit drugs. Under federal law, a person who has been convicted of a drug offense is barred from receiving federal assistance, including student financial aid. Actions connected with drug or alcohol abuse, such as disorderly conduct or driving while intoxicated, may also be punished with criminal fines and imprisonment.

### **Health Risks**

- Drug and alcohol abuse can cause serious and long-lasting damage to an individual's health. Drug and alcohol abuse may endanger the safety and well-being of the abuser, the abuser's family and friends and of students, staff, faculty and the general public.
- If under the influence of alcohol or illegal or prescription drugs, members shall avoid any activity, such as driving, which could endanger the health and/or safety of any other member of the University community.
- All people should be aware that alcohol and illegal drugs might endanger their health or that of unborn children (such as fetal alcohol syndrome). Substances may be addicting, impair one's level of functioning, or increase the likelihood of contracting numerous diseases such as hepatitis or AIDS. Other health risks may include damage to the heart, liver, and all major organs and systems, and can result in death.

### **Additional Assistance**

- Members of the University community with questions or concerns about alcohol or illegal drugs may get confidential information or referrals from the Counselor. The Counselor will provide information and referrals for treatment, therapy, and rehabilitation services. The University does not provide these services.
- The university encourages employees and students who may have substance abuse problems to seek professional advice and treatment.
- Additional information about alcohol and illegal drugs may be obtained from your physician, local clinics, crisis centers, and the Michigan Office of Substance Abuse.

Internally, staff and students may contact the University's licensed Counselor Chris Cassidy at: 517-338-3012 or ccassidy@cleary.edu

## **Cleary's Alcohol Policy**

Students at Cleary University are responsible for knowing and abiding by both State and University regulations regarding the consumption of alcohol. The University provides educational programs and information on alcohol and drug abuse as well as referral services related to alcohol and other drug use. Students are expected and encouraged to be aware of the social, physiological, and psychological consequences and personal risks of excessive drinking, in order to make responsible and informed decisions. Students who take prescription drugs, over-the-counter medications, or herbal or other supplements are expected to be aware of the consequences of drinking alcohol in combination with those medications.

### **Standards of Conduct**

- The University alcoholic beverage policy is consistent with the laws of the state of Michigan that prohibits the consumption and serving of alcoholic beverages by and to persons under 21 years of age.
- Students will be deemed to have served alcohol when they have made alcohol available to others, regardless of whether any alcohol is actually consumed.
- Students' responsibility for violations of University policy that take place within their assigned room or suite is described in The Cleary University Student Code of Conduct.
- Students are responsible for their behavior and this policy affirms the need for mutual respect and personal responsibility within the University community.

The University respects the right to privacy. Authorized campus representatives will not enter apartment rooms without substantive cause (e.g., without reasonable suspicion that University policies or regulations have been violated, or that someone's safety is in jeopardy), or as otherwise set forth in the Cleary University Student Code of Conduct and on-campus housing policies.

### **Cleary Student Responsibilities**

Alcoholic beverages normally will not be provided at events where persons under the legal drinking age for consumption of alcoholic beverages are present, including those sponsored by the University. Availability of alcoholic beverages shall not be the primary focus of advertising for campus social events. Those given approval to serve alcoholic beverages are responsible for ensuring that only those of legal drinking age are served, that

- It is the immediate obligation of those in the presence of a severely intoxicated person to contact appropriate University staff or local medical and/or law enforcement agencies.
- Contacting The Housing Manager & Student Life Coordinator (or other Cleary Administration) for assistance in transporting a student in need of medical attention will not, in itself, lead to disciplinary action.
- Disciplinary action will occur only if other circumstances indicating a violation of University policy are observed. In such an instance, failure to call for assistance will be

considered an especially serious violation of policy. In order to encourage calls for assistance, the University may offer leniency with respect to other violations which may come to light as a result of such calls, depending on the circumstances involved.

### **When Cleary Administrators will intervene**

- Housing staff (or another University administrator) may enter a room whenever there is reasonable cause to believe that someone's safety may be in jeopardy or that a violation of the alcohol policy is taking place.
- Housing staff will not have cause to investigate possible alcohol violations unless indicators of alcohol provision are observed. Such indicators may include—but are not limited to—kegs, bottles, cans, spilled alcohol, an individual leaving a room in possession of alcohol, or intoxicated behavior. Additional examples of grounds to search the rooms would be: audible and olfactory hints of alcohol; hearing bottles clink, residents saying "pass me the \*alcohol\*", smelling the alcohol, etc.
- In the event of a noise complaint, Housing staff will go to the room and knock on the door. If no one answers, Safety staff may enter the room and instruct the residents of the room to control the noise. Regardless, Safety staff may enter the room where there is cause to investigate further, as described above.

### **When Cleary students are in violation of the Alcohol Policy**

1. Students on campus, at Cleary sporting or social events, or at any other location where Cleary business is being conducted, are in violation of the University alcohol policy under any or all of the following circumstances:

- a. When participating in or organizing an activity that encourages drinking (e.g., drinking games, pre-gaming with hard alcohol, initiation activities, hazing), as these acts can endanger the individual being served. These are especially serious violations.
- b. When the serving or consumption of alcohol contributes to behavior that (i) intimidates or harasses others; (ii) injures or threatens to injure others (e.g., driving under the influence of alcohol, assault); (iii) leads to the destruction of property; or (iv) infringes on the peace and privacy of others. These are especially serious violations. In keeping with state law, when a student has been detained by University staff or local law enforcement officials on suspicion of driving under the influence of alcohol, the refusal to submit to the taking of breath samples for the purpose of determining blood alcohol content will be taken as conclusive evidence that the student was driving under the influence of alcohol.
- c. Violations of local ordinances or state laws by students may also be grounds for University disciplinary action, regardless of where such violations occur, if they clearly violate University standards of conduct.
- d. Failure to immediately contact appropriate University or local medical and/or law enforcement personnel on behalf of a severely intoxicated person.

2. On campus, students are in violation of the University alcohol policy under any or all of the following circumstances.

- a. When carrying or possessing an open container of alcohol (defined as any container not sealed by the manufacturer) on University grounds.
- b. When in possession of a keg and/or tap or other evidence of intent to serve alcohol, including alcohol delivered in large quantities to the University.
- c. When alcohol is served, provided, or made available by a student to another student or other person's regardless of age. Violations involving juveniles, such as high school applicants or visitors to the University, will be deemed particularly serious.
- d. When a student procures alcohol for themselves or for other persons by falsifying identification.

### **Consequences of violating the Alcohol Policy**

Students who are in violation of the alcohol policy are subject to a range of University sanctions: warning, disciplinary probation (including housing, and/or campus service sanctions), suspension, suspension with conditions, and expulsion. In keeping with the University's particular concern about high-risk alcohol use, the consequences for violations of the alcohol policy will reflect the level of risk represented by the behavior as well as the impact of the behavior upon the community.

1. In general, first instance lower-risk violations will result in a warning; subsequent violations will result in, at a minimum, disciplinary probation. Examples of lower-risk alcohol violations include, but are not necessarily limited to, situations where:
  - No high-risk drinking, including drinking games, is occurring
  - No "common sources" of alcohol, such as kegs or alcoholic punch, are present;
  - Neither the serving nor the consumption of alcohol has contributed to behavior that infringes on the peace and privacy of others (e.g., disorderly conduct, harassment, vandalism or property damage, injuring or threatening to injure others, driving under the influence of alcohol).
2. The University regards higher-risk violations of the alcohol policy as more serious than lower-risk violations. In general, a student who commits a first higher-risk alcohol violation is placed on short-term disciplinary probation. Discipline for a second higher-risk offense will be more serious and may involve a long term of disciplinary probation, campus service, and/or revocation of on-campus residential privileges. Students should expect to be suspended for a third higher-risk alcohol or alcohol-related offense or for any particularly egregious first or second offense. Higher-risk alcohol violations include, but are not necessarily limited to, the following:
  - The possession of any quantity of alcohol of any kind
  - The serving, providing, or making of any kind of alcohol in any quantity
  - The possession of kegs or other common sources of alcohol;
  - Drinking games or "pre-gaming";
  - Violations that result from intoxication, such as assault, harassment, disorderly conduct, vandalism, or property damage.
  - Failing to immediately contact appropriate University or local medical or safety staff on behalf of a severely intoxicated person.

The Housing Manager & Student Life Coordinator may notify a student's parents following any significant incident of drug/alcohol-related misconduct. Alcohol, kegs, and/or taps used in violation of the above regulations will be confiscated.

Students who violate the University's alcohol or drug policies are encouraged to avail themselves of the services of an alcohol Program. The Housing Manager & Student Life Coordinator may require an alcohol/drug evaluation by local professional staff.

## **Cleary's Drug Policy**

Cleary University, in compliance with Public Law 101-226(Drug-Free Schools and Communities Act) presents the standards listed below to the entire University community: students, staff, faculty, and administration. These guidelines are intended to protect and serve each member of this community and to ensure that each member has a full understanding of the position of the University.

### **Drug Standards of Conduct**

Cleary University expressly prohibits the possession, use, manufacture, or distribution of illegal substances or drug paraphernalia of any kind in any amount, or the possession, use, manufacture, or distribution of prescription drugs. Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on University property. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Students in violation of this policy may be jeopardizing their own well-being as well as the well-being of the University community.

### **Drug Sanctions**

- In general, a student who violates this policy for the first time will be placed on probation. Discipline for a second offense will be more serious and may involve lengthening of probation, campus service, and/or revocation of on-campus residential privileges. Students should expect to be suspended for a third offense.
- Among those violations considered to be most serious is the manufacture, sale, or distribution of illegal drugs or prescription drugs. Any student involved in illegal drug use possession, or traffic should expect expulsion from the University.
- Students possessing, using, selling, or manufacturing illegal substances may also be subject to mandatory penalties prescribed by the state.

The Housing Manager & Student Life Coordinator (or another University administrator) may enter a room whenever there is reasonable cause to believe that someone's safety may be in jeopardy or that a violation of the drug policy is taking place.

It is the immediate obligation of those in the presence of a person suffering adverse consequences of using drugs to contact appropriate University or local medical or safety personnel (such as the Housing Manager & Student Life Coordinator, safety staff, Deans, or local police). In order to encourage calls for assistance, the University may offer leniency with respect to violations which may come to light as a result of such calls, depending on the circumstances involved.