

**Policy Title:** Alcohol and Other Drug Policy

**Purpose:** The abuse of alcohol and the use of illegal drugs by members of the College of Menominee Nation (hereafter referred to as CMN) community are incompatible with the goals of the institution. In order to further CMN's commitment to provide a healthy and productive educational environment, and in compliance with the Amendments of 1989 to the Drug-Free Schools and Communities Act, CMN has established the following policy on alcohol and other drugs.

**Scope:** This policy is applicable to students, employees, visitors, vendors, and other contractors.

**Policy Statement:** It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol on CMN's campus by anyone under 21 years of age is illegal under both tribal and state law. Violators will be referred to local law enforcement and are subject to disciplinary action, criminal prosecution, fines and/or imprisonment.

The possession, sale, manufacture or distribution of any controlled substance on CMN's campus is illegal under tribal, state and federal laws. Violators will be referred to local law enforcement and are subject to disciplinary action, criminal prosecution, fines, and/or imprisonment.

**Procedures Title:**

**Policy status:** New

**Approval Body:** Deans and Directors, Approved November 20, 2017

**Date Effective:** November 2017

**Next Review Date:** November 2019

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**Title of Parent Policy:** Drug Free Workplace, HR

**Title of Supporting Procedures:**

## Definitions

**Alcohol** – Using, selling, manufacturing, distributing, possessing, storing, dispensing, or being under the influence of alcohol on CMN owned or leased grounds or facilities except as authorized under CMN policy.

**Controlled substances** – Using, selling, manufacturing, distributing, possessing, storing, dispensing, or being under the influence of controlled substances on CMN owned or leased grounds or facilities. Controlled substances refer to any drug or substance that is legally defined as such under applicable laws including, but not limited to, marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine).

**Possession of alcohol and/or drugs** – Refers to but is not limited to, holding, no matter the duration of alcohol or illegal drugs/ controlled substances in hand or, having them in one's clothing, purse/book bag (or similar case), vehicle, or other personal belonging. Unlawful possession, use, sale, or distribution of illegal drugs/controlled substances or alcohol by any student, employee, or vendor on CMN property or at any CMN-sponsored activity is strictly prohibited.

**Consumption of alcohol** – Refers to the act of drinking or ingesting any amount of an alcoholic beverage.

**Use of drugs** – Refers to the act of ingesting, inhaling, drinking, eating, and/or any other method of introducing an illegal drug/controlled substance into one's body.

**Distribution of drugs** – Refers to the sharing of illegal drugs/controlled substances with or giving them to others. This includes sale of drugs, which refers to the exchange of illegal drugs/controlled substances for money or other forms of compensation.

**Facilitating the possession/use of alcohol or drugs** – Refers to the act of knowingly allowing others to possess, consume, distribute or use alcohol or illegal drugs/controlled substances.

## Student Financial Aid

A student may be ineligible to receive financial aid if the student is convicted of an offense involving the possession or sale of a controlled substance during the period of enrollment for which the student was receiving federal student aid. Questions should be directed to the Federal Student Aid Information Center at 1-800-433-3243.

Any student found to be using, possessing, manufacturing, or distributing illegal drugs/controlled substances or alcohol, or whose behavior evidences being under the influence of alcohol or illegal drugs/controlled substances, in violation of the local law on CMN property or at CMN events/training, shall be subject to disciplinary action and/or

prosecution in accordance with local law, ordinances and the policies of the CMN Board of Trustees and CMN.

### **Institutional Sanctions**

Students who violate this policy will be subject to CMN's non-academic misconduct policy and the CMN Drug and Alcohol Free Campus policy. Local law enforcement will be notified upon violation.

Employees who violate this policy will be subject to CMN's personnel policy and procedures pertaining to a Drug and Alcohol free workplace. Local law enforcement will be notified upon violation.

### **Criminal Sanctions**

Under Menominee Indian Tribe of Wisconsin ordinances, federal and state law, it is a crime to possess, manufacture, sell, or distribute illegal drugs.

To see a summary of Menominee Indian Tribe of Wisconsin ordinances, go to <http://ecode360.com/12078484>. The Menominee Tribe of Wisconsin has recently revised the penalties against drug possession and trafficking through tribal ordinance, Tribal Code Chapter 306 which reduces the discretion that tribal judges may use in sentencing offenders of tribal drug statutes. Under these guidelines, offenders can be sentenced to up to one (1) year tribal incarceration and up to \$5,000 in fines or the offense may be referred for federal prosecution based on factors surrounding the offense. Additionally, Tribal Code Chapter 250 adopts many similar State of Wisconsin penalties for alcohol abuse violations

To see the summary of federal drug trafficking penalties, go to <https://www.dea.gov/druginfo/ftp3.shtml> . The federal government has recently revised the penalties against drug possession and trafficking through its Federal Sentencing Guidelines, which reduce the discretion that federal judges may use in sentencing offenders of federal drug statutes. Under these guidelines, courts can sentence a person to up to six (6) years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana. A sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury. Possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10 to 16 years in prison, U.S.S.G. s. 2D2.1(b)(1).

To see the summary of state drug trafficking penalties go to <http://docs.legis.wisconsin.gov/statutes/statutes/961.pdf> . The laws of Wisconsin prohibit drug possession and delivery through the Uniform Controlled Substances Act, Wis. Stat. 161, and mandate stiff penalties that include up to 15 years of prison and fines up to \$500,000. A person with a first-time conviction for possession of a controlled substance can be sentenced to up to one year in prison and fined up to \$5,000, under Wis. Stat. 161.41(2r)(b). The penalties vary according to the amount of drug

confiscated, the type of drug found, the number of previous offenses by the individual, and whether the individual intended to manufacture the drug, sell the drug, or use the drug. See Wis. Stat. 161.41. In addition to the stringent penalties for possession or delivery, the sentences can be doubled when exacerbating factors are present, such as when a person distributes a controlled substance to a minor, Wis. Stat. 161.46(1).

Substantial restrictions against alcohol abuse also exist in Wisconsin. It is against the law to sell alcohol to anyone who has not reached the legal drinking age of 21, and there is a concurrent duty on the part of an adult to prevent the illegal consumption of alcohol on his premises, Wis. Stat. 125.07 (1)(a)(1). Violation of this statute can result in a \$500 fine. It is against the law for an underage person to attempt to buy an alcoholic beverage, falsely represent his age, or enter a licensed premises, and that person can be fined \$500, ordered to participate in a supervised work program, and have his/her driver's license suspended, Wis. Stat. 125.07(4)(3). Harsher penalties exist for the retailers of alcoholic beverages, including up to 90 days in jail and revocation of the retail liquor permit.

## **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. Below is a general description of the health risks associated with drug use.

**Alcohol:** Can cause short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long-term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons. When consumed rapidly and in large amounts, alcohol can cause coma and death. Combining medications (prescribed or not prescribed) with alcohol can have unpredictable and unwanted consequences.

**Amphetamines:** (e.g., Adderall, Concerta, Ritalin) Can cause short-term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; long-term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition and death. Combining medications (prescribed or not prescribed) with alcohol can have unpredictable and unwanted consequences.

**Cannabis:** (THC or Marijuana) Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; can interfere with physical, psychological, social development of young users.

**Cocaine:** (a/k/a crack) Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.

**Designer drugs/Synthetic Cannabinoids:** (e.g., bath salts, K2, spice) Can cause short-term effects such as elevated heart rate, blood pressure and chest pain; hallucinations, seizures, violent behavior and paranoia; may lead to lack of appetite, vomiting and tremor; long-term use may result in kidney/liver failure, increased risk of suicide and death.

**Hallucinogens:** (e.g., PCP, LSD, ecstasy, dextromethorphan) Can cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.

**Inhalants:** (e.g., nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons and hydrocarbons) Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.

**Opiates/Narcotics:** (e.g., heroin, morphine, opium, codeine, oxycodone, china white) Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; long-term use leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly. The use of opioids with alcohol or other prescription or illicit drugs can cause unpredictable and unwanted consequences.

**Prescription drug misuse:** Can cause a variety of health risks based on type of drug. Prescription drug misuse is the intentional or unintentional use of medication without a prescription, in a way other than prescribed, or for the experience or feeling it causes.

**Sedatives:** Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long-term use can produce physical and psychological dependence; tolerance can increase rapidly.

**Tobacco:** (e.g., cigarettes, cigars, chewing tobacco) Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.

An extensive list of health-related risks is available at *The National Institute on Drug Abuse* website via <http://www.drugabuse.gov/>

### **Counseling and Treatment Programs**

The College of Menominee Nation encourages individuals with alcohol- or other drug-related problems to seek assistance. The following is list of websites that can assist:

<https://findtreatment.samhsa.gov/locator?sAddr=Keshena%2C+WI+54135%2C+United+States&submit=Go>

<https://healthfinder.gov/FindServices/SearchContext.aspx?topic=830>

<http://dpt2.samhsa.gov/treatment/directory.aspx>

<https://findtreatment.samhsa.gov/locator/stateagencies>