

CMN Standards of Student Conduct and Sanctions Concerning Drugs & Alcohol

The Drug Free Schools and Communities Act Amendments of 1989, Public Law 101-226, requires that each institution of higher education shall annually distribute to each student and employee information that clearly sets forth university policy regarding the prohibition of illicit drugs and alcohol. CMN subscribes to the goals of the Drug Free Schools and Communities Act and takes this opportunity to alert students and employees to our expectations.

The College of Menominee Nation prohibits the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol by students and employees on campus property or as part of campus activities.

CMN reports any alleged non-academic misconduct to the Dean of Student Services for potential action by Dean or referral to a hearing process through the CMN Judicial Council. Violation of these provisions by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion. Please see Judicial Council and Reporting Violations section, page 14, in the Student Handbook for details. Referral for prosecution under criminal law is also possible.

Tribal, State of Wisconsin & Federal Legal Sanctions

Wisconsin

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 drivers 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.

Federal

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 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 10-16 years in prison, U.S.S.G. s. 2D2.1(b)(1).

Tribal

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 \$5,000.00 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.

AODA Effects on Health and Prevention Strategies

CMN recognizes that drug and alcohol *dependency* or *abuse* can cause major health problems, as well as safety and security problems. It is important to point out that even being *impaired* can cause significant problems. Just being drunk can lead to a DUI, a fight, or a tragedy even if it's the first time the person has been drunk.

Alcohol or drug *abuse* means that the use of a substance has caused a problem in the life of either the user or a significant other. *Dependency* means that the person is using to feel normal and has no ability to abstain. Students are encouraged to address problems due to alcohol or other drug use as soon as possible. It makes no sense to wait until *dependency* has developed.

Some of the problems due to alcohol or another drug include:

- Diseases of the liver, brain, heart, pancreas and every other organ and/or system in the body;
- Depression, moodiness, disorientation and lack of inhibitions, which can lead to increased risk of accident, suicide and violent behavior including homicide;
- Difficulties with memory, concentration, attention span, abstract reasoning and the ability to process perceptual information in a manner consistent with reality;
- Spontaneous miscarriage and fetal malformations including physical, cognitive and emotional problems which can be permanent; and
- The risk of dependency and its related physical, mental, emotional, social, legal, family and financial problems.

Students are expected to become familiar with the materials related to the Drug Free Schools and Communities Act.

A student in need of assistance to work through such problems is encouraged to contact their advisor. CMN Student Services advisors or other program advisors will provide students with AODA assistance via general information regarding outside agency referral resources available for assessment, counseling, and treatment options. Conscientious efforts to seek such help shall not in themselves jeopardize any student's enrollment and will not be noted in the student's educational record. Any assistance provided can be done anonymously and is kept completely confidential within legal guidelines. If needed, this could include referral to agencies providing AODA treatment.

Student Resources For Drug & Alcohol Abuse Treatment

The Menominee Tribe, and other tribal agencies serving native-member students at CMN, provide AODA services. These locally include Maehnowesekiyah Wellness Center (715-799-3835), and for Menominee County residents the Menominee County Health and Human Services Department (715-799-3861). Additionally, the Wisconsin Department of Health and Social Services, through its Division of Community Services, provides an on-point summary of the numerous facilities that provide treatment for drug and alcohol addiction. Their Alcohol and Other Drug Abuse Office will send a pamphlet detailing the statewide and local resources for drug and alcohol abuse treatment. You can request a pamphlet by calling (608) 266-2717 or writing:

Wisconsin Clearinghouse
315 North Henry Street
Madison, WI 53703