



DRUG FREE SCHOOLS AND COMMUNITIES ACT
BIENNIAL REPORT
December 2020

PRESIDENT'S STATEMENT

In compliance with the Drug-Free Schools and Communities Act (DFSCA) and the Drug-Free Schools and Campuses Regulation, Saint Michael's College is providing this biennial report detailing its review of the effectiveness of the College's alcohol and other drug (AOD) education and policy enforcement programs. Saint Michael's takes seriously its responsibility to adhere to DFSCA regulations, and the College does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of prohibited drugs and/or alcohol by students or employees on College property or as part of any College-sponsored activity. The College likewise takes seriously its commitment to empathy and care for those individuals facing substance use disorders.

The group charged with conducting this review, which includes senior staff such as the vice president for Student Affairs/dean of students, the president's chief of staff, the director of Human Resources, and the director of Public Safety, among others, has my full confidence. I have reviewed their findings and approve this report.

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MISSION AND VALUES

Saint Michael's College is located in Colchester, Vermont, near Burlington and the shores of Lake Champlain.

MISSION

It is the Mission of Saint Michael's College to contribute through higher education to the enhancement of the human person and the advancement of human culture in light of the Catholic faith.

VISION

To actively engage students with ideas developed over millennia in many world civilizations, as well as those ideas from more recently emerging disciplines, and assist students in the generative process of creating new understandings. For this engagement to be most productive requires that a student work closely with a faculty member who is deeply, actively, and demonstrably engaged in learning, for in a liberal arts college, it is not so much acquired knowledge or personal belief that is passed on from one generation to the next but, rather, curiosity and passion for the very ideas of the discipline.

To encourage the development of an empathetic understanding and respect for the differing views of others derived from their history, status or unique philosophical or religious belief. Such an understanding is to be developed through proximate experience grounded in religious, philosophical, and historical contexts.

To take responsibility for the moral and spiritual development of each individual by employing the long Catholic intellectual tradition that sees no conflict between belief and reason. This is rooted in the belief that the world is "good" and that the dignity of each person needs to be acknowledged.

STATEMENT OF INTENT

Saint Michael's College is committed to providing a safe and healthy environment for our students, employees, and community members. We are also committed to supporting and educating our community members and being responsible partners for the greater Burlington area and the state of Vermont.

Publishing the Drug-Free Schools and Communities Act (DFSCA) biennial report promotes the college's commitments by providing our policies, available programs, data regarding usage of substances, and laws regarding alcohol and drugs for all our community members. This report is required by the U.S. Department of Education.

EMPLOYEE REGULATIONS AND RESOURCES

ALCOHOL AND DRUG POLICY (From the Employee Handbook)

The unlawful manufacturing, distribution, or dispensing of a controlled substance in the workplace is strictly prohibited. In addition, substance abuse is not tolerated during working hours on College premises or while conducting business on behalf of the College. This prohibition includes the possession, use, or sale of illegal drugs, non-medically authorized drugs, or alcohol. Our policy also prohibits off-premises abuse of alcohol and prescription/over-the-counter drugs, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the College's reputation. The legal use of prescription and over-the-counter drugs is permitted during work hours only if it does not impair an employee's ability to perform the essential functions of his or her job effectively and in a safe manner. Violations of this policy will result in disciplinary action, up to and including termination of employment.

The College abides by **The Drug-Free Workplace Act of 1988**. As a condition of your employment, if you are convicted of any criminal drug statute violation occurring in the workplace, you must notify the director of Human Resources no later than five days after such conviction. The College will take appropriate action, up to and including termination, or will require that you participate satisfactorily in a drug abuse assistance or rehabilitation program, approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

DISCIPLINARY SANCTIONS FOR VIOLATIONS

Violations of this policy will result in disciplinary action, up to and including termination of employment.

PROGRAMS AVAILABLE FOR EMPLOYEES

Information about the dangers of alcohol and drug abuse and community resources on alcohol and drug counseling is available through the **Employee Assistance Program (EAP)** at **800.828.6025**.

The College does not receive information from the EAP about the nature of referrals made by the program. The College has not been notified of any referrals through the EAP program in 2020 as of the date of publication of this report.

STUDENT REGULATIONS

All alcohol and other drug policies for students are consistently applied, and violations of the policies are addressed appropriately, usually within the week of the infraction. Appropriate sanctions are also consistently applied, including fines, the Choices program, campus referrals, restorative practice outcomes, restitution, probation, disciplinary warnings, and assessments.

See the Student Code of Conduct 2020-2021 (<https://www.smcvt.edu/student-life/housing-and-dining/living-at-saint-mikes/office-of-community-standards/>).

ALCOHOL AND OTHER DRUG POLICY

Philosophy

A goal of Saint Michael's College is to encourage preparation of our students for living, learning, and working as responsible members of our community. Given this goal, the College pursues two fundamental goals:

1. To provide an atmosphere in which students are encouraged to make informed and responsible decisions.
2. To demonstrate reasonable care to keep our campus free from conditions that create or increase the risk of harm.

Students should have the information, resources, and support necessary to make responsible decisions regarding alcohol use and abuse. Information available through Student Health Services, the Personal Counseling Office, the Student Life Office, and the Student Association enhances education efforts regularly presented on campus. A variety of services are available from these offices as well for students who seek assistance for substance abuse problems. Saint Michael's College seeks to construct a learning and living environment in which students will behave responsibly. Activities that promote or encourage abusive drinking, such as drinking games, drinking paraphernalia, multi-liter containers, or rotational parties, are considered by the College to be irresponsible and in violation of College policy. Such activities hinder the College's attempt to eliminate conditions that create or increase the risk of harm.

ALCOHOL POLICY

Our policy is framed with the following consideration in mind:

Vermont state law dictates that in order to legally possess or consume alcohol, an individual must be 21 years of age.

Vermont law and, therefore, Saint Michael's College:

- Prohibit misrepresenting one's age for purposes of purchase or consumption of alcoholic beverages.
- Prohibit those of legal age from serving an individual who is visibly intoxicated. Prohibit those of legal age from purchasing for and/or serving alcohol to minors. Prohibit operating a motor vehicle while under the influence of alcohol.
- Mandate that any individual who is dangerously intoxicated be taken into protective care. In light of these considerations, Saint Michael's College has established the following goals:
 - To stress moderation, safety, and individual accountability.

- To provide a college atmosphere free from social pressure to drink.
- To maintain and encourage a sense of community in which the effects of alcohol abuse are minimal and problem behavior is reduced.
- To provide information and education that encourages responsible decision-making with regard to alcohol use.
- To provide an atmosphere in which we can further encourage programming that is not alcohol related.
- To provide confidential counseling services for those with special needs related to alcohol abuse and alcoholism.
- To minimize the potential liability of both the individual and the institution.

GUIDELINES

Common sources of alcohol (kegs, beer balls, or their equivalents) are permitted at a College-approved event when catered by a licensed caterer. (See Approval of Events Involving Alcohol.) Kegs and beer balls, whether empty or full, tapped or untapped, will be confiscated by the College. Possession of a tap will be regarded as evidence of a violation of the keg policy.

Outdoor drinking on College grounds is permitted at an organized and catered event approved by the dean of students or appropriate designee. Alcohol is not permitted on or near the athletic fields during athletic contests, whether intercollegiate, club, or intramural events.

At events sponsored by the College, College organizations, or employees where underage students are in attendance no alcoholic beverages will be served with the exception of those approved events served by licensed caterers. Carrying open containers of alcoholic beverages or consuming them in any public area of campus is prohibited. Student groups, organizations, or clubs that sponsor an event where alcohol is sold/served may not use Student Association monies to purchase or provide by any means alcoholic beverages for the event. It is a violation of these policies to be intoxicated to the point of significant impairment of mental or physical ability. Students who are intoxicated beyond control may be mandated by the dean of students or designee to attend a College alcohol education program and may also be subject to disciplinary action. Students who procure alcoholic beverages for, or who serve, underage individuals are not acting in a responsible manner. A student who contributes in any way, however minor, to the intoxication of another person may be held personally liable for any injury or damage the intoxicated person causes or in which he or she becomes involved.

APPROVAL OF EVENTS INVOLVING ALCOHOL

Events where alcohol is present may be approved depending on the nature of the event, the facility and its capacity, the age distribution, and a demonstration by the sponsoring organization of its ability to comply with state law and College regulations.

Only those of legal drinking age may have and consume alcohol in TOWNHOUSES AND GRADUATE (AND APARTMENT-TYPE) HOUSING. Consumption of alcoholic beverages is prohibited in the remainder of campus housing.

The approval of the Student Life Office is required, and the event must be registered with the Student Life Office.

Methods for the accomplishment of these guidelines will be outlined by the Student Life Office during the event planning process.

These methods include the following:

- All events must end by 1:00 a.m.
- All parties are prohibited Sunday through Thursday except with special permission. Sponsors are responsible for supervision of the event.
- Public Safety must be notified and hired when deemed necessary by the Office Student Life. Access must be restricted, and accommodation limits (in conformance with Vermont fire/safety laws and the Student Code of Conduct) must be adhered to.
- Nonalcoholic beverages and food must be provided. A guest roster is required.
- Sponsors are responsible for cleanup.
- Approved campus-wide events involving alcohol must be catered and licensed in accordance with Vermont state law.
- Alcoholic beverages may only be sold at catered events. To request money (donation, tickets) as a condition of admission to a non-catered event is comparable to selling alcohol without a license and is therefore a violation of Vermont state law and College policy.

ALCOHOLIC BEVERAGE ADVERTISING, MARKETING, AND PROMOTION

POLICY

Events at which alcohol is served may be advertised on campus only when the service of alcohol is in full compliance with a valid liquor license or catering license and appropriate state regulations. Alcohol must not be the primary focus in any publicity. The sponsoring group is responsible for any advertising/publicity that is disseminated in conjunction with the event. The sponsoring group also bears the responsibility for cleanup of any and all advertising relative to the event. Alcohol must not be used as an inducement to participate in an activity.

Advertisements will avoid demeaning sexual or discriminatory portrayals of individuals or groups. Promotion of alcohol will not encourage misuse or place emphasis on quantity or frequency of use. Drinking will not be portrayed as contributing to the personal, academic, or social success of students or individuals. Alcohol advertising will subscribe to the philosophy of responsible or legal use. Alcohol will not be associated with the performance of tasks that require skilled reactions, such as the operation of a motor vehicle or machinery.

PROMOTION/SPONSORSHIP

Departments, programs, or officially recognized organizations of Saint Michael's College will not enter into any promotional agreements or advertising agreements with alcoholic beverage distributors/companies or their agents. Student organizations, and programs affiliated with the College, should ensure that any alcohol advertising and promotional activity accepted by the organization adhere to the guidelines outlined above.

DRUG POLICY

Vermont state law and Saint Michael's College prohibit the use, possession, or transfer of controlled drugs and subject the offender to fine and/or imprisonment (18 VSA 4205; 18 VSA 4224). Transfer under

this section is defined as including both sale and gift. Any violation of these laws will be considered serious and dealt with accordingly. Any person possessing or transferring illegal drugs shall be subject to disciplinary action. Sale and distribution may result in immediate dismissal.

The College also prohibits the possession, use, or distribution of all types of paraphernalia. Possession of such paraphernalia will be considered sufficient evidence that a violation of the College drug policy has occurred.

Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal law. Federal grants are subject to College compliance with the DFSCA and the Drug-Free Workplace Act. Campuses found in noncompliance with these laws risk loss of federal funding for financial aid. Any violation of the federal law governing marijuana is a violation of campus policy and will be dealt with accordingly, notwithstanding Vermont laws that permit and/or decriminalize the possession of certain quantities of marijuana in certain circumstances.

MEDICAL MARIJUANA POLICY

Saint Michael's College students and employees should understand that possessing, using, or selling marijuana in any form is prohibited on campus and during College activities. Although students, staff, and faculty who legally obtain a medical marijuana "registration card" from the Vermont Dispensary are allowed to possess and consume certain quantities of marijuana, doing so is not permitted on the Saint Michael's College campus or at College-sponsored events.

Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal law. Federal grants are subject to College compliance with the DFSCA and the Drug-Free Workplace Act. Campuses found in noncompliance with these laws risk loss of federal funding for financial aid.

If a student is registered as a medical marijuana user and intends to possess and use marijuana, he or she must confine that use to off-campus locations. If that student is subject to the required residency policy, he or she may present his or her Vermont medical marijuana registration to the Office of Student Life and request a waiver of the residency requirement so that he or she may reside off campus. The card must be a Vermont medical marijuana registration card. No other state cards are recognized.

Our conduct meetings are staffed by trained residence life and public safety staff members who adhere to the following sanctioning guide for all cases.

JUDICIAL SYSTEM AND DISCIPLINARY PROCEDURES

Administration:

Student infractions of College policies, rules, or regulations will fall under the jurisdiction of the Office of the Dean of Students.

Disciplinary action usually begins with the witnessing by a public safety officer, a residence hall staff member, a member of the College administration, faculty, staff or other student code of conduct, which appears to violate a College policy, rule, or regulation. An individual wishing to report an incident should contact an official in the Office of the Dean of Students. An individual may be requested to submit a written complaint providing additional detail.

If the alleged incident is considered by the College to constitute a potential violation of a College policy, rule, or regulation, the disciplinary process will be initiated. In such cases, the accused student will be notified of the alleged violation, and a reasonable opportunity will be given to the student to discuss the alleged violation with an appropriate official from the Office of the Dean of Students. Said official shall resolve the case following such discussion, or the opportunity for such discussion, and any reasonable investigation the official may wish to conduct. In the event a student is found responsible for the alleged violation, a sanction shall be specified in accordance with the terms and definitions provided in this policy, and the student shall be provided written notice of the sanction. If the conduct at issue involves harassment or discrimination on the basis of sex, sexual misconduct, or sexual violence, additional procedural elements will apply.

Judicial System:

Judicial Review Board: The Judicial Review Board will hear cases referred to it by the dean of students or his or her designee. The dean shall refer all cases involving serious or repeated infractions of College policies, rules, or regulations, including all cases that, in the opinion of the Dean, could result in suspension or expulsion from Saint Michael's College. In any case referred to the Judicial Review Board, accused students shall have a right of hearing before the Board.

The Judicial Review Board shall consist of seven members appointed annually: three students appointed by the president of the Student Association, two faculty members appointed in accordance with faculty regulations, and two administrators appointed by the president of the College. The Judicial Review Board shall be convened by the dean of students or his or her representative. The Board will meet at regular intervals for training as well as to hear cases brought to its attention. The Board shall elect its own chairperson.

In the event that there are not seven members of the Board available, the Board may elect from within itself a three-member Board, consisting of one student, one faculty member, and one administrator, which may hear a case and recommend appropriate findings.

The Judicial Review Board shall recommend sanctions to the dean of students.

The vice president for Student Affairs shall have the power to review any decision of the Judicial Review Board and to reverse or modify any decision.

Procedures:

Notice: Prior to answering charges before the Judicial Review Board, the student shall be informed in writing of the specific charges that will be addressed at the disciplinary hearing. Said written notice shall be provided in sufficient time (no less than three days prior to the hearing) to ensure the student an opportunity to prepare for the hearing.

Disqualification: No member of the Judicial Review Board who is otherwise interested or involved in a particular case shall participate in a matter. This disqualification shall be at the discretion of the majority of the Board.

Right to Assistance: The student appearing before the Board has the right to choose a support person from within the Saint Michael's College community to assist throughout the process. No legal counsel or family members will be allowed as support persons, or allowed to attend the hearing.

Proof and Process: The person(s) bringing the complaint is(are) responsible for providing proof of the charge to the Board, which will determine whether it is more likely than not that the potential violation occurred. Accused and accusing students, and anyone bringing a complaint forward, will be allowed to make a statement, to respond to questions from the Board, and to make a closing statement.

Right to Appeal: Students found responsible for violations have a right to appeal the Board's determination regarding a violation and/or the dean of students' determination of sanctions. Within 10 working days after the student receives notification of the decision, the student may file an appeal. The appeal must be submitted in writing to the vice president for Student Affairs and state the grounds of the appeal. Upon receipt of an appeal, the vice president for Student Affairs may review the matter as he or she deems appropriate. The decision of the vice president for Student Affairs is final.

Student Status Pending Final Action: Pending final action on the charge, the status shall not be altered in any way unless the dean of students determines that the student's continued presence in class or on campus might endanger his or her own safety or well-being or that of other members of the College community. Appeals of interim action may be made to the vice president for Student Affairs.

Residential Review / Senior Residential Review: This is an administrative hearing in which a student's behavior is discussed with staff members of Residence Life and the Dean's Office. A Residential Review Conference will be called for more serious or repeat offenses of the Student Code of Conduct. Appropriate expectations and sanctions will be discussed with the student. Results of the Residential Review may be presented to the dean of students for referral to the Judicial Review Board.

Various combinations of professional and graduate-level staff members will be assigned to hear cases as appropriate in order to best meet the needs of both the student and the community.

Administrative Hearing: This is a hearing in which a student's behavior is discussed with sanctioning officers from the Office of Community Standards and Student Conduct. Appropriate expectations and sanctions will be discussed. The vast majority of violations of the Student Code of Conduct are seen at this level.

DISCIPLINARY STATUS SANCTIONS

Saint Michael's College's response to Code of Conduct violations may include the following sanctions, among others.

Warning: A sanction consisting of a written statement to a student offender that he or she has violated a particular College policy, rule, or regulation and warning that subsequent difficulties should not occur. The statement shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by that office.

Probation: A sanction consisting of a written statement to a student offender that he or she has violated a particular College policy, rule, or regulation and that any subsequent infraction during a stated period of probation may result in suspension or expulsion. A student may be excluded from College activities and privileges as a result of a probationary status. The period of probation is determined by the individual responsible for imposing the sanction. That statement shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by that office.

Disciplinary Suspension: A sanction consisting of a written statement to a student offender that he or she has violated a particular College policy, rule, or regulation. Suspension shall mean exclusion from classes, from presence on campus, and from all other privileges or activities for a definite period of time.

The statement of suspension shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by that office.

In cases of suspension, a student must reapply for admission by writing a letter of request to the dean of students.

Expulsion: A sanction consisting of a written statement to a student offender that he or she has violated a particular College policy, rule, or regulation. Expulsion shall mean immediate dismissal from the College. The statement of expulsion shall be placed in the student's file in the Office of the Dean of Students but may be removed according to conditions specified by that office.

OTHER DISCIPLINARY SANCTIONS

Residential Relocation: A sanction that moves a student to another area of on-campus housing.

Eviction From Residence: A sanction that terminates a student's ability to remain in on-campus housing. This eviction may be permanent or for a certain period of time to be determined by the Student Life Office and may include specific weekends throughout the course of the year.

Weekend Evictions: Issued in order to temporarily separate a student from the residential community. Weekend evictions involve the student leaving the campus after his or her last class of the week and returning on Sunday afternoon. Specific arrangements will be made between the Office of Residence Life and the student.

During a weekend eviction, the student may not participate in any aspect of the College's residential program. The student may be on campus to participate in academic or religious activities only, unless specific permission is obtained from the Office of Residential Life prior to the requested activity.

Weekend Eviction With a Written Plan: A sanction that allows a student to stay on campus in lieu of a weekend eviction. This sanction may be for a certain period of time to be determined by the sanctioning officer and may include specific weekends throughout the course of the year. The Weekend Written Plan must be turned in to the sanctioning officer prior to the weekend sanctioned. Additionally, the student must make phone contact with the AD/RD on duty on Thursday, Friday, and Saturday as a means of accountability and support. Although a student is allowed to stay on campus, he or she is to have an academic-only relationship with the College. All extracurricular activities will be suspended for the weekend assigned.

Further Definitions and Applications of Sanctions

Sanctioning Officer

Definition: The sanctioning officer refers to the representative of the Student Life Office that meets with the student who has violated one or more College policies. During the meeting, the incident is discussed, and appropriate follow-up for the student, usually in the form of sanctions, is determined.

Application: For most first-time and minor violations, the resident director will usually meet with the student. Assistant/associate deans will meet with students for repeated or major first-time violations. As a student progresses through the judicial system, other individuals and review boards will get involved, including the Residential Review Conference, the Senior Residential Review Conference, the director of Residence Life, the dean of students, or the Judicial Review Board (although not necessarily in this order). Keep in mind that this is a “general” overview and that any Student Life staff member can meet with a student at any time, depending on the circumstance.

Disciplinary Warning

Definition: A sanction consisting of a written statement to a student offender that he or she has violated a particular College policy, rule, or regulation and warning that subsequent difficulties should not occur. The statement shall be placed in the student’s file in the Office of the Dean of Students and may be removed according to conditions specified by that office.

Application: A disciplinary warning is the most common sanction for first-time, medium-level violations. A student does not need to do anything when receiving a warning – only make good decisions with the understanding that further violations may result in being placed on probation.

Active Sanction

Definition: Active sanction is defined as a student being asked to do something for his or her personal development or education or to give back to his or her community. It usually consists of one or more of the following and usually includes a reflection paper to be completed afterward:

- Planning and implementing a bulletin board or program for a specified living area; assisting with the coordination of a specified campus event.
- Attending a specified campus event (program, lecture, etc.).
- Participating in community service (unless already specified as a separate part of the sanction).
- Application: The active sanction is usually used as a lower-level sanction. Different staff members have different ways of implementing this sanction, including:
- Verification (written or verbal) from an RA or other staff member; verification from the sponsor of the event.
- Contact made between staff member and student at the event; completion of a paper.

Attend Choices Class(es)

Definition: Choices is a confidential discussion group for students about alcohol and/or other drug use and abuse. The group, which meets every two to three weeks, is facilitated by one or more personal counselors. Students who are involved in alcohol and/or drug violations may be sanctioned to attend one or more sessions.

Application: Students who attend Choices will have the opportunity to “sign in” so that the personal counselors can share their names with Residence Life staff. After each class, the personal counselors will provide the Office of Community Standards and Student Conduct with a list of those in attendance.

Attend Respect and Responsibility Class(es)

Definition: Respect and Responsibility is a workshop designed to reach out to those students who have had multiple involvements in the judicial process to assist them in becoming positive members of the College community and make positive decisions in the future. The class is facilitated by Student Life staff members on a rotating basis and meets at regular intervals throughout the semester.

Application: All sanctioning officers will receive a schedule of Respect and Responsibility classes at the beginning of each semester. The sanctioning officer and student will agree on the meeting(s) that will be attended, and what, if any, follow-up meetings or reflections should take place. After each class, the names of those in attendance will be provided to the associate directors.

Community Service

Definition: Community service is defined as a student asking to give back to the community after violating one or more policies. It is sometimes offered to students (upon their request) in order to reduce the amount of a fine. Other times, it is a sanction itself in addition to others.

Community service can take one of four forms.

1. In-Hall: The student works for the resident director to help with assigned tasks in the residential area. Examples of this could be helping the custodial staff in the building, helping an RA or RD with a hall program, or helping the RD with other operational tasks, such as hall closing or opening.
2. MOVE: The student participates in one or more activities with MOVE by signing up on the bulletin board in Alliot Hall. The student does not need to inform MOVE that he or she is being sanctioned to do the service. The student needs to simply complete the service and, if requested by the sanctioning officer, turn in documentation of the service and/or a reflection paper.
3. Campus: The student works with a specific campus office (arrangements made between sanctioning officer and specific office) to help with a specific project to better the campus. Examples of this could be working with Physical Plant (custodial or grounds), Public Safety (fire extinguisher checks), or Student Activities (large campus events, such as concerts, dances, etc.).

Please note that this option is only available if the campus office(s) agrees to it and if the student's assistance would be of help to that office. Depending on the time of year, workload, or staffing levels, offices may or may not wish to participate.

4. Off Campus: The student may participate in an off-campus community service activity either in the local community or in his or her home community if there is a school vacation coming up. This is helpful if none of the other options are possible or if the student has a standing commitment with an outside organization. Since this option is not affiliated with Saint Michael's, documentation of the service is usually required.

Application: The sanctioning officer and student will agree on the type of service, the number of hours, the completion date, and whether documentation of service or a reflection paper is necessary. All this information should be documented on the sanction form.

Disciplinary Probation

Definition: A sanction consisting of a written statement to a student offender that he or she has violated a particular College policy, rule, or regulation and that any subsequent infraction during the stated period of probation may result in suspension or expulsion. A student may be excluded from College activities and privileges as a result of a probationary status. The period of probation is determined by the individual responsible for imposing the sanction. The statement shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by that office.

Application: Probation is the highest level of sanction in the Saint Michael's judicial system. Students are placed on probation after repeated violations of College policies OR for first-time violations that are very serious in nature. Students on probation may be subject to the loss of privileges on campus, including parking, Smuggler's Notch Pass, Cultural Pass, extracurricular activities including athletics, the ability to participate in certain aspects of the Room Lottery process, or the ability to remain on campus for weekends.

Students may be placed on probation by any sanctioning officer at or above the assistant/associate dean level. The length of probation will be determined by the sanctioning officer and will be listed on the sanction form or in the sanction letter that the student receives. The length of disciplinary probation usually ranges in three-month increments but is dependent on the severity of the issue and judicial history.

Eviction/Weekend Eviction

Definition: A sanction that terminates a student's ability to remain in on-campus housing. This eviction may be permanent or for a certain period of time to be determined by the Student Life Office and may include specific weekends throughout the course of the year.

Application: Weekend evictions have proven to be an effective sanctioning tool by asking students who make poor decisions to remove themselves from the residential community for one or more weekends. Students who are placed on disciplinary probation are frequently issued one or more weekend evictions. The specific weekends will be determined by the sanctioning officer. During a Weekend Eviction, the student may not participate in any residential activities and may not be in any residential areas from the end of his or her classes for the week or 4:00 p.m. on Friday (whichever comes first) and may return after 3:00 p.m. on Sunday. The student may, however, go to the library, chapel, gym, academic buildings, and Alliot (only for the purpose of having meals in the Dining Hall). The student is to have an academic-only relationship with the College for the specified eviction time.

Weekend Written Plan

Definition: A sanction that allows a student to stay on campus in lieu of a Weekend Eviction. This sanction may be for a certain period of time to be determined by the sanctioning officer and may include specific weekends throughout the course of the year.

Application: The Weekend Written Plan must be turned in to the sanctioning officer prior to the weekend sanctioned. Additionally, the student must make phone contact with the AD/RD on duty on Thursday, Friday, and Saturday as a means of accountability and support. Although a student is allowed to stay on campus, he or she is to have an academic-only relationship with the College.

All extracurricular activities will be suspended for the weekend assigned.

Fine

Definition: Fines are usually issued for first- and second-time minor violations and are an automatic part of most sanctions. Fines are generally issued to serve as a deterrent to ensure that a behavior does not occur again. Monies collected from fines are used for various hall and campus programs as well as to improve the living environment in the residence halls.

Application: Fines can be assigned by any sanctioning officer. The student and sanctioning officer will agree on a due date for the fine.

Students have one option for paying their fines: having it charged to their student accounts.

Referred to Campus Offices

Definition: There are times when students may be referred to other campus offices as part of a judicial sanction. A referral typically fits into one of two categories. The first category is to assist a student with one or more issues that he or she may be experiencing and avail the student of one or more services that an office can provide. Examples of this would be the Wellness Center (medical treatment or personal counseling), the Career Development Office (career services), Academic Affairs (academic difficulties), and Edmundite Campus Ministry (spiritual).

The second category for a campus referral would be to help the student to establish a positive connection on campus through involvement in one or more activities. Examples of this would be MOVE (community service), Student Activities (involvement in campus clubs or groups), the Adventure Sports Center (outdoor activities), and Athletics (recreation, intramurals, varsity athletics).

Application: Referrals may be mandated or encouraged. The sanctioning officer should have a brief conversation with the student about how he or she would benefit from meeting with someone from the particular office, and contact information should be listed on the sanction form. Whenever possible, the sanctioning officer should contact the office or individual in advance to inform him or her of the referral.

Residential Relocation

Definition: A sanction that moves a student to another area of on-campus housing.

Application: A residential relocation is issued to move a student out of his or her current situation when it would be beneficial to both the student and the immediate community, to remove the student from potential negative influences, or to remove the student when he or she has somehow violated the standards of the community. Relocating a student is a difficult sanction to apply. To begin with, it is not always available, depending on if there are any vacant spaces on campus. When there are spaces available, a student may be relocated on a permanent or temporary basis. The student will work with the housing coordinator and the director of Residence Life to facilitate the relocation.

In years when there is a "flexible housing" location, students may be moved to that location for a specified period of time to be determined by the sanctioning officer. Flexible housing locations are supervised by one or more staff members.

Judicial Review Board

Definition: The Judicial Review Board will hear cases referred to it by the dean of students or his or her designee. The dean shall refer all cases involving serious or repeated infractions of College policies, rules, or regulations, including all cases that, in the opinion of the dean, could result in suspension or expulsion from Saint Michael's College.

Application: When the need for a Judicial Review Board is determined, the director of the Office of Community Standards and Student Conduct will prepare a letter for the student. The assistant/associate dean of students will present the letter to the student at least three days before the scheduled hearing.

The director of the Office of Community Standards and Student Conduct will assemble a schedule of Judicial Review Boards at the beginning of each semester. This schedule will establish the day and time of each Board as well as the members of the community who will serve on the Board. Each Judicial Review Board is composed of three students appointed annually by the Student Association president, two staff members appointed annually by the College president, and two faculty members appointed annually by the provost. There is a list of alternate members who will serve when a regular serving member cannot serve.

Each student appearing before the Board has the ability to select a support person from among the College faculty or staff. This person is usually a member of the Student Life staff since that staff is most familiar with the judicial system and usually has a good relationship with the student. Students have also selected coaches, club advisors, or faculty members to serve in that role as well. The student and support person will meet regularly before the hearing so that the support person can assist the student in preparing a statement to be read, as well as providing emotional support, as this is always a high-anxiety time for the student.

During the hearing, information will be presented by the Student Life Office as well as the student. After the presentation of information and questioning, the Board members will issue a decision. There are three possible outcomes of a Judicial Review Board hearing:

1. **Retention:** The student is retained at the College. Retention usually comes with a number of sanctions as well as a series of check-ins with Student Life staff and other members of the community to ensure success and a statement of what will happen if the student is involved in any future violations.
2. **Suspension:** The student is separated from the College for a specified period of time. The Board will determine the length of suspension as well as indicate any conditions that must be met in order for the student to return. In all cases after suspension, the student must reapply through the Office of the Dean of Students. The suspension is usually effective immediately, although in certain circumstances (e.g., near the end of a semester), it may take effect at a later date.
3. **Dismissal:** The student is permanently dismissed from Saint Michael's College. The dismissal is effective immediately.

After the conclusion of the hearing, the student will return to the Student Life Office with his or her support person and the Student Life staff to make arrangements for the appropriate follow-up.

Residential Review or Senior Residential Review

Definition: An administrative hearing in which a student's behavior is discussed with members of the Residence Life staff. Appropriate expectations and sanctions will be discussed with the student. Results of the Residential / Senior Residential Review may be presented to the dean of students for referral to the Judicial Review Board. Various combinations of professional and graduate-level staff members will be assigned to hear cases as appropriate in order to best meet the needs of both the student and the community.

Application: Decisions will be made on Monday as to which student(s) (if any) will receive a Residential Review Conference (RRC). RRCs will take place on Wednesdays at predetermined times. Sanctions will be determined by the ADs and RDs present at the hearing and will consist minimally of a Dean's Conference, disciplinary probation (usually for at least one semester), and at least three weekend evictions. Other sanctions pertinent to the student's situation, including referrals to other offices, may be added.

APPEAL PROCESS

The right to appeal

Any student found responsible for a violation of the Student Code of Conduct shall have the right to appeal his or her case (based on the grounds below) to the Disciplinary Appeal Committee.

Grounds for appeals

Students who have been found responsible for a violation of the Student Code of Conduct may request an appeal on the grounds that:

1. Information that was not available at the time of the hearing is now available and could reasonably be expected to have altered the outcome of the case.
2. The College disciplinary procedures were violated in a way that probably adversely affected the outcome of the case.
3. The student had an extraordinary life event occur that would preclude him or her from completing the assigned sanctions.

Timeline for appeals

The student shall have four days to appeal any sanctions from the time of written notification of the sanctions.

Disciplinary Appeals Committee

The College Disciplinary Appeals Committee is a Student Affairs committee set up to consider written appeals by students found responsible by any general conduct hearing.

Composition

The Disciplinary Appeals Committee shall consist of the director of Community Standards and Student Conduct and two to four Student Affairs staff members.

Role

The Disciplinary Appeals Committee is responsible for reviewing any appeals by students or organizations that are properly submitted.

Exceptions

The Judicial Review Board and the Sexual Misconduct Policy.

All appeals are final with the dean of students.

Student athletes at Saint Michael's College are also subject to and required to abide by the following policy:

ATHLETICS ALCOHOL AND SUBSTANCE USE

At no time while representing Saint Michael's College on team travel or during a team activity will our coaches, athletes, or support staff allow, condone, or be associated with the possession, consumption, or use of alcohol, tobacco, and/or illegal drugs. We understand that this is applicable to anyone associated with the athletic program, regardless of age or relationship to the program and that expulsion from the team for the remainder of the season is the likely consequence.

Alcohol Use

Additionally, we understand that violations of civil laws regarding underage drinking, providing of alcoholic beverages to underage individuals, or possession or use of illegal drugs at any time during the academic year is a violation of the social contract and will result in disciplinary action. For those of legal drinking age, we agree to abide by the 48-hour rule, which prohibits use of any alcohol 48 hours prior to competition. We agree that abuse of alcohol *at any time* is inappropriate, including binge drinking, excessive blood alcohol content, hospitalization, Act1 program, or detention center placement. We understand engagement in these behaviors has consequences that may include suspension from one or more contests (specified on each team), weekend suspension from campus and school activities (including away games), and other penalties imposed by specific team expectations and the Student Life Office.

As athletes committed to performing at our highest ability, we agree to adhere to stricter drinking policies, including potentially implementing a "dry" portion of the season, as decided by each team individually. We will make clear the expectations for adhering to these restrictions for our competing versus non-competing athletes, as well as how these expectations will apply during offseason.

[Teams are encouraged to add additional team commitments for student expectations.]

All Other Drug Use

Per NCAA requirements, we agree to keep tobacco out of play, prohibiting its use during both practice and competition. We agree to a 48-hour rule to abstain from tobacco and nicotine use for the 48 hours prior to competition (including all forms of tobacco—chewing tobacco, cigarettes, snuff, and Juuling/vaping). As a reminder, Saint Michael's College is a tobacco-free campus, and tobacco use is prohibited.

We agree to refrain from the use of banned performance-enhancing drugs or substances that are not permitted by the NCAA and understand it will result in the loss of eligibility and dismissal from the team. When using any kind of supplements, we agree to inform our athletic trainer to make sure they are approved by the NCAA.

While marijuana is now legal in Vermont, due to NCAA substance use policies and Saint Michael's College policies, marijuana, in any form, is not permitted to be used by any athlete, in or out of season, to maintain athletic eligibility.

[Teams are encouraged to add additional team commitments for student expectations.]

PREVENTION AND INTERVENTION PROGRAMS

Saint Michael's College is committed to the overall health and well-being of our student population. Because we are a residential college and most of our students live on campus, we are committed to providing prevention and education programming to address the use and abuse of alcohol and other substances that are a part of collegiate life. Below is a list of programs offered to our full-time residential population to mitigate the risky behaviors and negative consequences associated with alcohol and other drug abuse.

Weekly Event Registration

- Fill out an online event registration form.
- Conduct weekly meeting with Residence Life Staff.

The weekly event registration invites students to plan and get support for any gathering they plan to hold in their place of residence. The important part of event registration related to substance abuse prevention is that students are welcomed and given support for hosting an event, which includes help from Residence Life staff and Public Safety if the event starts to get out of control. It indicates a partnership between staff and students toward the goal of substance abuse prevention. Events that are registered tend to be more in control because they are bound by the expectations listed below. When parties are more in control, it is less likely that students will engage in dangerous/risky behavior related to substance abuse. Students have responded favorably to this event registration policy. As is noted below in the biennial review, the numbers of problematic and dangerous behaviors related to alcohol abuse have decreased since this process was instituted in 2016 in the spirit of promoting moderate and responsible drinking for those of age in the townhouses.

Expectations of the Registration Process

The approval of the Student Life Office is required, and the event must be registered with the Student Life Office.

The methods for the accomplishment of these guidelines will be outlined by the Student Life Office during the event planning process and are summarized below:

- All events must end by 1:00 a.m.
- Events may only be registered on Friday and Saturday nights.
- Kegs and multi-liter containers are strictly prohibited.

- Sponsors are responsible for supervision of the event.
- The Office of Student Life will notify Public Safety of all registered events. Access must be restricted, and accommodation limits (in conformance with Vermont fire/safety laws and the Student Code of Conduct) must be adhered to.
- Nonalcoholic beverages and food must be provided.
- A guest roster is required.
- Sponsors are responsible for all recycling and cleanup outside the area.
- Sponsors are responsible for all guests.

GREAT Housing

Students living in GREAT Housing are members of the first-year, sophomore, junior, and senior classes who wish to live in *alcohol- and drug-free environments* governed first by an individual's commitment to the program and second by the GREAT Housing Living Contract. Students choosing to live in GREAT Housing are agreeing to live a lifestyle that does not allow alcohol and/or other drugs to negatively affect the community, of which they are a valuable member.

As such, students will recognize and affirm that choice in their daily actions by signing a contract with their community, and the College, to uphold the ideals of the GREAT Housing Program. The purpose of such a program is to provide students with a comfortable and safe living environment free from the pressures associated with alcohol and other drugs.

The following contract is based on an honor code with oneself. It is the responsibility of the individual to uphold the contract, followed by the members of the community/floor/suite, and finally assisted by the Residence Life staff.

By choosing to live in the GREAT Housing Program, I agree to the following:

- I recognize that I am a valuable resource for the GREAT Housing Program, and I will donate my time and talents by participating in at least one Great Housing Program Committee.
- I will not use any drugs or alcohol in the GREAT Housing Program or living areas. I will not bring any alcohol or other drugs into the GREAT Housing living areas.
- If I choose to use alcohol outside of the GREAT Housing Program, I will not enter GREAT Housing if my behaviors may give rise to negative effects (including fighting, vomiting, noise, damage, etc.) within my community.
- I am responsible for my guests. I will ensure that they abide by the GREAT Housing Program's Living Contract, and I understand that I will be held accountable for their actions.
- I understand that floor/hall meetings and floor/hall programs are important to successful community interaction and development, and I agree to be a regular part of this community. Furthermore, I will assist in organizing ONE social/educational program a semester in conjunction with my floor or suite and the support of the Residential Life staff. Not doing so may jeopardize my ability to remain in the GREAT Housing Program.
- As a member of the GREAT Housing Program, I recognize that I have special access to the GREAT Clubhouse, and I will treat this space the same as the GREAT Housing living areas.

Additional terms of agreement may be determined by each individual community as the need arises.

Fall 2019 GREAT Housing Evening Offerings:

Mondays: “Finer Things” Club (2nd and 4th) and Homework Club (1st and 3rd)

Tuesdays: “Family Game Knight,” a weekly time to de-stress and have fun with friends

Wednesdays: “crEATe,” a weekly program designed for students to wind down with crafts and snacks.

Thursdays: “The Gaming Club Meets GREAT”

Fridays: Movie Night

Saturdays: A variety of on- and off-campus programs

Alcohol Edu is an interactive online program that all incoming first-year students must take before arriving on campus. It uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. This course includes tailored content that:

- Engages abstainers, light to moderate drinkers, and frequent drinkers with customized messaging
- Educates students on the mental and physical effects of alcohol
- Prepares students to engage in bystander intervention

Weekly campus-wide community-building events are offered every Friday and Saturday in each of the five residential areas on campus for a total of 10 programs each weekend, which any student is welcome to attend regardless of where he or she lives on campus. The shift to focusing community-building events on the weekends was instituted in 2016 as another effort to reduce alcohol use and abuse by giving students adequate access to alternative activities.

“Wellness Wednesdays” are residential life programs created to combat midweek alcohol and other drug use and mental health challenges. The programs are specifically targeted to a residential area and the specific developmental needs of that area. For example, first-year students typically need more direction, and upper-class students need less direction and more broad support.

Student Activities Programming

Friday Knight Dry is the result of a collaboration between Residence Life and the Student Government Association. Together they created a semiannual campus-wide experience encompassing all of the residence halls, the outdoor spaces, and two student centers. It is a night of fun, food, and prizes, as well as an opportunity to do something different on a Friday night in late September. It also provides new and returning students alike the opportunity to meet each other in a social environment. One of the main goals of Friday Knight Dry is to counter the perception that the only way to have fun is through the use of alcohol and other drugs. This event draws 500-900 enthusiastic student participants.

Guest activities, including a cooking demonstration by Antoni Porowski in 2018; outdoor movies during good weather; and intentional programming on high-activity weekends, such as our annual spring celebration, “Preparation Day” (P-Day), promote healthy engagement on campus.

Late-Night Grilling is offered from 11:00 p.m. to 1:00 a.m. every Friday and Saturday night. The goal of Late-Night Grilling is to decrease the impact of alcohol and other drug use in the late-night hours by providing an attractive alternative that encourages food consumption (to slow the absorption of alcohol) and an interruption of drinking behavior for a few hours. Each weekend, 250-350 students participate.

Adventure Sports, which is an outdoor adventure program at the College, provides the opportunity for leadership development for a core group of students and outdoor adventures for the rest of the undergraduate population. Each weekend of the semester, students can choose to participate in offerings in the following areas: canoeing, hiking, mountain biking, whitewater kayaking, sea kayaking, rock climbing, ice climbing, backcountry skiing, alpine skiing, camping, and wilderness first aid. In the course of a full year, 1,000 students participate in approximately 140 outdoor adventures.

JED Foundation collaboration is a four-year partnership between Saint Michael's College and the JED Foundation. The purpose of this partnership is to assess our systems for supporting student mental health in all areas of our campus life and to develop a strategic plan to address areas of weakness. We are currently in the third year of our partnership with JED and are slowly making changes in how we respond to and support our students and their mental health.

Mental health issues and substance abuse often go hand in hand. Our work with the JED Foundation to prevent and address mental health challenges on campus also helps to prevent and address issues related to substance use and abuse. This partnership with JED corresponds with efforts that had been underway to address issues of alcohol abuse on campus.

Increased collaboration between Residential Life and Public Safety – Public Safety staff and Residential Life staff have gone to great lengths to work more collaboratively in the past four years than ever before to more effectively support the safety and well-being of our students on campus. Some examples of this collaboration are joint trainings both at the beginning of the year and ongoing throughout each semester; assignment of a public safety officer to each residential area who also attends all area meetings and residence hall staff meetings; and follow-up from the public safety officer with students who have had conduct violations in their area. The campus investigator attends weekly residential director meetings to represent public safety. The on-call public safety officers routinely check in with Residential Life staff before their shifts to learn about any concerns or registered parties to be aware of.

Choices is a psychoeducational program, led four to six times per semester by licensed alcohol and drug abuse counselors through the Bergeron Wellness Center. We welcome any student who has concerns about his or her substance use and would like to talk about it in a confidential and supportive environment, as well as any student who has been referred by the Residential Life staff because of a violation of the College's drug and alcohol policy. The group provides psychoeducation through a harm-reduction lens. Students learn about blood alcohol content (B.A.C.), tolerance, drink measurement, alcohol content, safe use practices, abstinence, moderation, and identification of high-risk situations. Choices is a confidential group in which students explore the pros and cons of their relationship with substances. They can identify any changes they want to make to their behaviors going forward after the meeting. Additionally, after the group is over, each student is required to attend an individual meeting with one of the counselors to look more closely at his or her individual situation. Each year, we have between 30 and 80 students go through the Choices Program. Thirty-nine students participated in

Choices during the 2019-2020 academic year. Thirty-five of the 39 did not have a repeat alcohol or other drug offense.

Substance abuse recovery is supported by an informal understanding between the College and the collegiate recovery community at the University of Vermont for students in recovery. This is in addition to the individual support services available from the Student Life office and the Bergeron Wellness Center on campus. However, we do not have a formal recovery community program at Saint Michael’s College.

BIENNIAL REVIEW

Policies and requirements regarding alcohol and drug use are applied consistently for both students and employees. During the biennial review period there were no documented sanctions of employees for violation of the drug and alcohol policies.

The numbers in the chart below are percentages that represent the following: of the students who responded to the American College Health Association (ACHA) questionnaire, this percentage of our students responded affirmatively to the question asked.

There was a concerted effort, starting in 2016, to reduce the number of alcohol violations that occurred on campus. Our numbers from both the Office of Community Standards and Conduct, as well as from the American College Health Association, seem to indicate that the prevention efforts put into place have had an impact on our overall numbers related to substance use and abuse. As is shown in the ACHA data below, much of the risky behavior associated with substance use on campus has decreased over the past four years.

<u>Saint Michael’s College ACHA Executive Summary Data on Tobacco, Alcohol, and Marijuana</u>			
	2014	2016	2019
<i>Use in the last 30 days of:</i>			
Alcohol	79.1%	77.6%	75%
Cigarettes	14	11.1	6.6
E-cigarettes		5.7	22.4
Marijuana	32.6	33.5	30.7
<i>Risky behavior with alcohol use:</i>			
Did something you later regretted	50	44.2	38.1
Forgot where you were or what you did	48.2	41.3	39.2
Got in trouble with the police	4.8	3.7	2.1

Someone had sex with me without my consent	2.1	3.7	2.1
Had sex with someone without his or her consent	0.6	0.2	0.3
Had unprotected sex	26.4	26.6	23
Physically injured myself	21.5	12.5	14.2
Physically injured another person	3.1	1.2	1.6
Seriously considered suicide	3	2.7	5.2
One or more of the above risky behaviors	67.8	60.8	57.9

The data above shows that risky behavior connected to the use and abuse of alcohol has decreased from 2016-2020 in all areas but “seriously considered suicide.” From the data above and the concurrent prevention programs, it is reasonable to conclude that the prevention efforts have had a positive impact on reduction in student risky behavior associated with alcohol abuse overall. It is not surprising that the numbers of students who have “seriously considered suicide” have been going up since 2016 because this data about suicidal ideation mirrors the rise in general mental health distress, suicidal ideation, and deaths by suicide on other college campuses and throughout the country at large. The data points to the need to continue to develop our campus supports for the prevention of mental health issues among our student body. The work that we are doing with the JED Foundation has helped us to get a handle on what areas of the college need greater attention and where it makes most sense to put our financial and human capital going forward.

Further statistics from the Office of Community Standards at Saint Michael’s College regarding the total number of alcohol and drug violations that occurred on the College’s campus (as defined in section 1092(f)(6) of this title), or as part of any of the College’s activities; and reported to campus officials (below) also demonstrate an overall decrease in problematic behavior related to alcohol and other drug abuse. There were no alcohol or drug related fatalities during the review period.

	2019-2020 (total students 1,550)	2018-2019 (total students 1,550)	2017-2018
<i>Protective Custody Hearings (Sober Friend, ACT 1, UVMMC, CCCC)</i>	27	41	76
<i>Alcohol-Related Hearings</i>	92	80	137
<i>Marijuana-Related Hearings</i>	39	56	66

<i>Disrespect for Persons or Property Hearings</i>	19	21	34
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Reporting of specific numbers of outcomes and sanctions was not available for this review. This will be part of the development of tracking methodologies listed in the recommendations.

Strengths and Challenges

The main strength of the prevention/intervention programming in Student Affairs at Saint Michael’s College is the ability to identify areas of needed growth and development and respond quickly with programming and policies to support those needs. In looking at the numbers from the ACHA data, risky behaviors related to alcohol use are decreasing over the same period that prevention and intervention programming by the College and participation by students has been increasing. This leads us to conclude that we are on the right track and should continue with the efforts we are making. The combination of a deliberate partnership between Residence Life and Public Safety, the increase in prevention programming on the weekends, the creation of policies that support no use or moderate use of substances, and the consistent response to students when they do have alcohol or other drug violations have combined to help our campus be a safer place for students.

A challenge for Student Affairs is a lack of sufficient strategies for assessing the specific cause-and-effect relationship between student affairs programming and a reduction in the student use/abuse of alcohol and other drugs on our campus, as well as associated risky behaviors. Additionally, although the use of marijuana, alcohol, and cigarettes decreased from 2017 to 2019, the use of e-cigarettes increased dramatically. This statistic is in line with statistics across the country among adolescents and young adults and needs to be addressed at the College.

Another area for improvement that we identified is the lack of a clear and coherent campus-wide vision and approach to addressing substance use issues across the campus. Many dedicated individuals and departments have conducted creative educational and interactive programs, and our statistics demonstrate the positive change in culture. However, these activities lack a common structure and process for the collection of data.

Recommendations

We have identified the need to develop a more coherent campus-wide plan for program management, assessment, and review. The development of this plan will be an important focus for us during the next biennial review period.

- Develop programming to address the increased use of e-cigarettes and vaping.
- Continue programming and education around the use and risks of cannabis as its use and acceptance in the United States increases.
- This report identifies a lack of a collegiate recovery community at Saint Michael’s, housing and support that focuses on supporting students in recovery from substance abuse. This is a possible area for programming growth in the future.

- The college should work toward a consistent methodology for gathering and evaluating data on substance use among students and employees to provide both consistency in evaluation and focus for our prevention and support efforts.

Distribution

This report will be distributed through the following methods:

- Emailing directly to all current students and employees upon publication
- Posting on the College’s public web page
- Posting on the internal College portal
- Providing to all new employees upon hire
- Providing to all new students upon registration
- Providing physical copies at the Office of Student Life and the Office of Public Safety upon request (requests can be made anonymously)

LOCAL, STATE, AND FEDERAL LAWS

There are no local or county-wide ordinances or regulations governing the use or restriction of alcohol or other drugs applicable in the town of Colchester.

Vermont statutes:

DRUG	QUANTITY	PENALTIES
MARIJUANA (T18 VSA 4230)	Knowingly and unlawfully possessing	
	more than one ounce of marijuana or more than five grams of hashish or cultivate more than two mature marijuana plants or four immature marijuana plants	(first offense - opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice) (upon conviction - imprisoned not more than six months or fined not more than \$500.00, or both)
	convicted of a second or subsequent offense	Imprisoned not more than six months or fined not more than \$500.00, or both
		Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041, except that the court may in its discretion defer sentence without the filing of a presentence investigation

		report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening, which may be considered at sentencing in the same manner as a presentence report.
	two ounces of marijuana or 10 grams of hashish or knowingly and unlawfully cultivating more than four mature marijuana plants or eight immature marijuana plants	Imprisoned not more than three years or fined not more than \$10,000.00, or both
	more than one pound of marijuana or more than 2.8 ounces of hashish or knowingly and unlawfully cultivating more than six mature marijuana plants or 12 immature marijuana plants	Imprisoned not more than five years or fined not more than \$10,000.00, or both
	more than 10 pounds of marijuana or more than one pound of hashish or knowingly and unlawfully cultivating more than 12 mature marijuana plants or 24 immature marijuana plants	Imprisoned not more than 15 years or fined not more than \$500,000.00, or both
		NOTE: If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral

		consequence shall not support a motion to vacate.
		NOTE: The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230e of this title.
	Selling or dispensing	Imprisoned not more than two years or fined not more than \$10,000.00, or both
	more than one ounce of marijuana or five grams or more of hashish	Imprisoned not more than five years or fined not more than \$100,000.00, or both
	one pound or more of marijuana or 2.8 ounces or more of hashish	Imprisoned not more than 15 years or fined not more than \$500,000.00, or both
	Trafficking (intent to sell or dispense) (permissive inference)	
	50 pounds or more of marijuana or five pounds or more of hashish with the intent to sell or dispense the marijuana or hashish	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
COCAINE (T18 VSA 4231)	Knowingly and unlawfully possessing	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine	Imprisoned not more than five years or fined not more than \$100,000.00, or both
	One ounce or more of one or more preparations, compounds, mixtures, or substances containing cocaine	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both
	Selling or dispensing	Imprisoned not more than three years or fined not more than \$75,000.00, or both
	2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine	Imprisoned not more than five years or fined not more than \$100,000.00, or both

	One ounce or more of one or more preparations, compounds, mixtures, or substances containing cocaine	Imprisoned not more than 20 years or fined not more than \$1,000,000.00 or both
	Trafficking (intent to sell or dispense) (permissive inference) (400 grams in the aggregate - conspiracy [13 V.S.A. § 1404])	
	150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
	60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
LSD (T18 VSA 4232)	Knowingly and unlawfully possessing	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	100 milligrams or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide	Imprisoned not more than five years or fined not more than \$25,000.00, or both
	One gram or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	Selling or dispensing	Imprisoned not more than three years or fined not more than \$25,000.00, or both
	100 milligrams or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	One gram or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide	Imprisoned not more than 20 years or fined not more than \$500,000.00 or both

HEROIN (T18 VSA 4233)	Knowingly and unlawfully possessing	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	200 milligrams or more of one or more preparations, compounds, mixtures, or substances containing heroin	Imprisoned not more than five years or fined not more than \$100,000.00, or both
	one gram or more of one or more preparations, compounds, mixtures, or substances containing heroin	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both
	two grams or more of one or more preparations, compounds, mixtures, or substances containing heroin	Imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both
	Selling or dispensing	(dispensing - imprisoned not more than three years or fined not more than \$75,000.00, or both) (selling - imprisoned not more than five years or fined not more than \$100,000.00, or both)
	200 milligrams or more of one or more preparations, compounds, mixtures, or substances containing heroin	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both
	one gram or more of one or more preparations, compounds, mixtures, or substances containing heroin	Imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both
	Trafficking (intent to sell or dispense) (permissive inference) (10 grams in the aggregate - conspiracy [13 V.S.A. § 1404])	
	3.5 grams or more of one or more preparations, compounds, mixtures, or substances containing heroin	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
	Transportation into the State with intent to sell or dispense	
	one gram or more of heroin	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both

FENTANYL (T18 VSA 4233a)	Knowingly and unlawfully possessing (and dispensing))	Imprisoned not more than three years or fined not more than \$75,000.00, or both
	Knowingly and unlawfully possessing (and selling)	Imprisoned not more than five years or fined not more than \$100,000.00, or both
	four milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both
	20 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl	Imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both
	any regulated drug containing a detectable amount of fentanyl (In lieu of a charge under this subsection, but in addition to any other penalties provided by law)	Imprisoned not more than five years or fined not more than \$250,000.00, or both
	Trafficking (intent to sell or dispense) (permissive inference) (70 milligrams in the aggregate - conspiracy [13 V.S.A. § 1404])	
	70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
	Transportation into the State with intent to sell or dispense	
	20 milligrams of fentanyl	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS (T18 VSA 4234)	Knowingly and unlawfully possessing (other than heroin or cocaine)	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule	Imprisoned not more than five years or fined not more than \$25,000.00, or both

	1,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	10,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule	Imprisoned not more than 20 years or fined not more than \$500,000.00, or both
	Selling or dispensing (other than fentanyl, heroin, or cocaine)	(dispensing - imprisoned not more than three years or fined not more than \$75,000.00, or both) (selling - imprisoned not more than five years or fined not more than \$25,000.00, or both)
	100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	1,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule	Imprisoned not more than 20 years or fined not more than \$500,000.00, or both
METHAMPHETAMINE (T18 VSA 4234a)	Knowingly and unlawfully possessing	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine	Imprisoned not more than five years or fined not more than \$100,000.00, or both
	25 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both
	Selling or dispensing	(dispensing - imprisoned not more than three years or fined not more than \$75,000.00, or both) (selling - imprisoned not more than five years or fined not more than \$100,000.00, or both)
	2.5 grams or more of one or more preparations, compounds,	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both

	mixtures, or substances containing methamphetamine	
	25 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine	Imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both
	Trafficking (intent to sell or dispense) (permissive inference) (800 grams in the aggregate - conspiracy [13 V.S.A. § 1404])	
	300 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
EPHEDRINE AND PSEUDOEPHEDRINE (T18 VSA 4234b)	Knowingly and unlawfully possessing a drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance	
	less than nine grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	nine or more grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base	Imprisoned not more than five years or fined not more than \$100,000.00, or both
	Selling or dispensing	
	A drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base shall not be distributed at retail to the general public unless it is maintained in a locked display case or behind the counter out of the public's reach.	First violation - civil penalty of not more than \$100.00; and second and subsequent violation(s) - civil penalty of not more than \$500.00.

	A retail establishment shall not knowingly complete a sale to a person if the drug product or combination of drug products purchased would surpass a total of more than 3.6 grams within a 24-hour period or nine grams within a 30-day period of ephedrine base, pseudoephedrine base, or phenylpropanolamine base or their isomers. This subdivision shall not apply to drug products dispensed pursuant to a valid prescription.	
HALLUCINOGENIC DRUGS (T18 VSA 4235)	Knowingly and unlawfully possessing (other than lysergic acid diethylamide)	Imprisoned not more than one year or fined not more than \$2,000.00, or both
	10 or more doses of a hallucinogenic drug	Imprisoned not more than five years or fined not more than \$25,000.00, or both
	100 or more doses of a hallucinogenic drug	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	1,000 or more doses of a hallucinogenic drug	Imprisoned not more than 15 years or fined not more than \$500,000.00, or both
	Selling or dispensing (other than lysergic acid diethylamide)	(dispensing - imprisoned not more than three years or fined not more than \$25,000.00, or both) (selling - imprisoned not more than five years or fined not more than \$25,000.00, or both)
	10 or more doses of a hallucinogenic drug	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	100 or more doses of a hallucinogenic drug	Imprisoned not more than 15 years or fined not more than \$500,000.00, or both
ECSTASY (T18 VSA 4235a)	Knowingly and unlawfully possessing	Imprisoned not more than one year or fined not more than \$2,000.00, or both

	two grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy	Imprisoned not more than five years or fined not more than \$25,000.00, or both
	20 grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	seven ounces or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy	Imprisoned not more than 20 years or fined not more than \$500,000.00, or both
	Selling or dispensing	(dispensing - imprisoned not more than three years or fined not more than \$25,000.00, or both) (selling - imprisoned not more than five years or fined not more than \$25,000.00, or both)
	two grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both
	20 grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy	Imprisoned not more than 20 years or fined not more than \$500,000.00, or both
MANUFACTURING OR CULTIVATING (T18 VSA 4236)	Knowingly and unlawfully manufacturing or cultivating a regulated drug	imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both
	This section shall not apply to the cultivation of marijuana*	
SELLING OR DISPENSING TO MINORS; SELLING ON SCHOOL GROUNDS (T18 VSA 4237)	A person knowingly and unlawfully dispensing any regulated drug to a minor who is at least three years that person's junior	imprisonment of not more than five years
	A person knowingly and unlawfully selling any regulated drug to a minor shall, in addition to any other penalty	imprisonment of not more than 10 years
	Selling on school grounds. No person shall knowingly and unlawfully:	

	dispense or sell a regulated drug to any person on a school bus or on real property owned by a public or private elementary, secondary, or vocational school	in addition to any other penalty, be sentenced to a term of imprisonment of not more than 10 years.
	sell a regulated drug to any person on real property abutting real property owned by a public or private elementary, secondary, or vocational school	in addition to any other penalty, be sentenced to a term of imprisonment of not more than 10 years.
	dispense a regulated drug to any person in public view on real property abutting real property owned by a school	in addition to any other penalty, be sentenced to a term of imprisonment of not more than 10 years.
	(Selling or dispensing of a regulated drug to a person on property abutting school property is a violation under this section only if it occurs within 500 feet of the school property. Property shall be considered abutting school property if: (1) it shares a boundary with school property; or (2) it is adjacent to school property and is separated only by a river, stream, or public highway)	
SECOND AND SUBSEQUENT OFFENSES (T18 VSA 4238)		Convicted of a second or subsequent offense of violating section 4228, 4230, 4231, 4232, 4233, 4234, 4235, 4236 or 4237 of this title, except a violation of subdivision 4230(a)(1), shall be subject to a term of imprisonment or fined up to twice that authorized by those sections, or both

DRUG	STATUTE	PENALTY
ALCOHOL/TOBACCO (T7 VSA ...)	§ 656. Person under 21 years of age misrepresenting age, procuring, possessing, or	

	consuming alcoholic beverages; civil violation.	
	(a)(1) Prohibited conduct. A person under 21 years of age shall not: (A) Falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages, spirits, or fortified wines from any licensee, State liquor agency, or other person or persons. (B) Possess malt or vinous beverages, spirits, or fortified wines for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor. (C) Consume malt or vinous beverages, spirits, or fortified wines. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.	(2) A person under 21 years of age who knowingly violates subdivision (1) of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to: (A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and (B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.
	§ 657a. Person under 16 years of age misrepresenting age or procuring or possessing alcoholic beverages; delinquency	A person under 16 years of age who engages in conduct in violation of subdivision 656(a)(1) of this title commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.
	§ 658. Sale or furnishing to minors; enabling consumption	

	by minors; minors causing death or serious bodily injury	
	<p>(a) A person shall not: (1) sell or furnish alcoholic beverages to a person under 21 years of age; or (2) knowingly enable the consumption of alcoholic beverages by a person under 21 years of age.</p> <p>(b) As used in this section, "enable the consumption of alcoholic beverages" means creating a direct and immediate opportunity for a person to consume alcoholic beverages.</p>	<p>(c) A person who violates subsection (a) of this section shall be fined not less than \$500.00 nor more than \$2,000.00 or imprisoned not more than two years, or both. However, an employee of a licensee or an employee of a State liquor agency, who in the course of employment violates subdivision (a)(1) of this section: (1) during a compliance check conducted by a law enforcement officer as defined in 20 V.S.A. § 2358: (A) shall be assessed a civil penalty of not more than \$100.00 for the first violation and a civil penalty of not less than \$100.00 nor more than \$1,000.00 for a second violation that occurs more than one year after the first violation; and (B) shall be subject to the criminal penalties provided in this subsection (c) for a second violation within a year of the first violation, and for a third or subsequent violation within three years of the first violation.</p> <p>(d)(1) A person who violates subsection (a) of this section, where the person under 21 years of age, while operating a motor vehicle, snowmobile, vessel, or all-terrain vehicle on a public highway, public land, or public waters, or in a place where a Vermont Association of Snow Travelers (VAST) trail maintenance assessment or a Vermont ATV Sportsman's Association (VASA) Trail Access Decal is required, causes death or serious bodily injury to himself or herself or to another person as a result of the</p>

		violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.
	§ 1005. Persons under 21 years of age; possession of tobacco products; misrepresenting age or purchasing tobacco products; penalty	
	(a)(1) A person under 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. (2) A person under 21 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.	(b) A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of subsection (a) of this section shall be subject to having the tobacco products, tobacco substitutes, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24. (c) A person under 21 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.
	§ 1007. Furnishing tobacco to persons under 21 years of age; report	
	(a) A person that sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under 21 years of age shall be subject to a civil penalty	not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense.

<p>ALCOHOL / TOBACCO (T23 VSA ...)</p>	<p>§ 1201. Operating vehicle under the influence of alcohol or other substance; criminal refusal; enhanced penalty for BAC of 0.16 or more</p>	
	<p>(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway: (1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a vehicle when the operation requires an operator's license with a school bus endorsement; or (2) when the person is under the influence of alcohol; or (3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug; or 4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title. (b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of this section. (c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to</p>	<p>(d)(1) A person who is convicted of a second or subsequent violation of subsection (a), (b), or (c) of this section when the person's alcohol concentration is proven to be 0.16 or more shall not, for three years from the date of the conviction for which the person's alcohol concentration is 0.16 or more, operate, attempt to operate, or be in actual physical control of any vehicle on a highway when the person's alcohol concentration is 0.02 or more. The prohibition imposed by this subsection shall be in addition to any other penalties imposed by law.</p>

	another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol in the system.	
	§ 1202. Consent to taking of tests to determine blood alcohol content or presence of other drug	
	(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer. (2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken.	(b) A refusal to take a breath test may be introduced as evidence in a criminal proceeding. (6) If the person refuses to take an evidentiary test, the refusal may be offered into evidence against the person at trial, whether or not a search warrant is sought. The person may be charged with the crime of criminal refusal if the person: (A) has previously been convicted of a violation of section 1201 of this title; or (B) is involved in an accident or collision resulting in serious bodily injury or death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial.

	<p>A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section.</p> <p>(3) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.</p> <p>(4) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.</p>	
	<p>§ 1205. Civil suspension; summary procedure</p>	
	<p>(a) Refusal; alcohol concentration above legal limits; suspension periods. (1) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person refused to submit to a test</p>	<p>the Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of six months and until the person complies with section 1209a of this title.</p>
	<p>(2) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was</p>	<p>the Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an</p>

	operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was above a limit specified in subsection 1201(a) of this title, at the time of operating, attempting to operate, or being in actual physical control,	unlicensed operator to operate a vehicle for a period of 90 days and until the person complies with section 1209a of this title.
	(3) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of subdivision 1201(d)(2) of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control,	the Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for life.
		(m) Second and subsequent suspensions. For a second suspension under this subchapter, the period of suspension shall be 18 months and until the person complies with section 1209a of this title.
		(r) A person suspended under this section for a refusal shall be assessed a surcharge of \$50.00 which shall be collected by the Department of Motor Vehicles prior to reinstatement of the person's driving privileges.
	§ 1206. Suspension of license for driving while under influence; first conviction	

		<p>(a) First conviction-generally. Except as otherwise provided, upon conviction of a person for violating a provision of section 1201 of this title, or upon final determination of an appeal, the court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the defendant complies with section 1209a of this title. (b) Extended suspension-fatality or serious bodily injury. In cases resulting in a fatality or serious bodily injury to a person other than the defendant, the period of suspension shall be one year and until the defendant complies with section 1209a of this title.</p>
	<p>§ 1208. Suspensions for subsequent convictions</p>	<p>(a) Second conviction. Upon a second conviction of a person violating a provision of section 1201 of this title and upon final determination of an appeal, the court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for 18 months and until the defendant complies with section 1209a of this title. (b) Third conviction. Upon a third or subsequent conviction of a person violating a provision of</p>

		<p>section 1201 of this title and upon final determination of any appeal, the court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately revoke the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a motor vehicle for life.</p>
	<p>§ 1209a. Conditions of reinstatement; alcohol and driving education; screening; therapy programs</p>	
	<p>(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate suspended under section 1216 of this title, shall be reinstated except as follows: (1) In the case of a first suspension, a license or privilege to operate shall be reinstated only: (A) after the person has successfully completed the Alcohol and Driving Education Program, at the person's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the person's own expense, to determine whether reinstatement should be further conditioned on satisfactory completion of a therapy program agreed to by the person and the Drinking Driver Rehabilitation Program Director; (B) if the screening indicates that therapy is needed, after the person has satisfactorily completed or shown substantial progress in</p>	

	<p>completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director; (C) if the person elects to operate under an ignition interlock RDL or ignition interlock certificate, after the person operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title; and (D) if the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.</p>	
	<p>(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until: A) the person has successfully completed an alcohol and driving rehabilitation program; (B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director; (C) after the person operates under an ignition interlock RDL or ignition interlock certificate for 18 months or, in the case of a person subject to the one-year hard suspension prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant period arising from a violation of section 1213 of this title, except if otherwise provided in subdivision (4) of this subsection (a); and (D) the person has no pending criminal</p>	

	charges, civil citations, or unpaid fines or penalties for a violation under this chapter.	
	(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until: (A) the person has successfully completed an alcohol and driving rehabilitation program; (B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director; (C) the person has satisfied the requirements of subsection (b) of this section; and (D) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.	
	§ 1210. Penalties	(b) First offense. A person who violates section 1201 of this title may be fined not more than \$750.00 or imprisoned for not more than two years, or both.
		(c) Second offense. A person convicted of violating section 1201 of this title who has been convicted of another violation of that section within the last 20 years shall be fined not more than \$1,500.00 or imprisoned not more than two years, or both. At least 200 hours of community service shall be performed, or 60 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of

		<p>imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed.</p>
		<p>(d) Third offense. A person convicted of violating section 1201 of this title who has previously been convicted two times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$2,500.00 or imprisoned not more than five years, or both. At least 96 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed. The court may impose a sentence that does not include a term of imprisonment or that does not require that the 96 hours of imprisonment be served consecutively only if the court makes written findings on the record that such a sentence will serve the interests of justice and public safety.</p>
		<p>(e)(1) Fourth or subsequent offense. A person convicted of violating section 1201 of this title who has previously been convicted three or more times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$5,000.00 or imprisoned not more than 10 years, or both. At least 192</p>

		<p>consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol treatment facility pursuant to sentence if the program is successfully completed. The court shall not impose a sentence that does not include a term of imprisonment unless the court makes written findings on the record that there are compelling reasons why such a sentence will serve the interests of justice and public safety.</p>
		<p>(f)(1) Death resulting. If the death of any person results from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$10,000.00 or imprisoned not less than one year nor more than 15 years, or both. The provisions of this subsection do not limit or restrict prosecutions for manslaughter.</p>
		<p>(2) If the death of more than one person results from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each decedent.</p>
		<p>(3)(A) Death resulting; third or subsequent offense. If the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation</p>

		of that section, a sentence ordered pursuant to this subsection shall, except as provided in subdivision (B) of this subdivision (3), include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.
		(B) Notwithstanding subdivision (A) of this subdivision (3), if the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of that section, the Court may impose a sentence that does not include a term of imprisonment or which includes a term of imprisonment of less than five years if the Court makes written findings on the record that such a sentence will serve the interests of justice and public safety.
		(g)(1) Injury resulting. If serious bodily injury, as defined in 13 V.S.A. § 1021(2), results to any person other than the operator from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$5,000.00, or imprisoned not more than 15 years, or both.
		(2) If serious bodily injury as defined in 13 V.S.A. § 1021(2)

		<p>results to more than one person other than the operator from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each person injured.</p>
		<p>(3)(A) Injury resulting; third or subsequent offense. If serious bodily injury as defined in 13 V.S.A. § 1021(2) results to any person other than the operator from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of section 1201, a sentence ordered pursuant to this subsection shall, except as provided in subdivision (B) of this subdivision (3), include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.</p>
		<p>(i) A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$60.00, which shall be added to any fine imposed by the Court. The Court shall collect and transfer such surcharge to the Department of Public Safety for deposit in the Blood and Breath Alcohol Testing Special Fund established by section 1220b of this title.</p>

		(j) A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the Court. The Court shall collect and transfer the surcharge assessed under this subsection to the Office of Defender General for deposit in the Public Defender Special Fund specifying the source of the monies being deposited. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.
		(k) A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the Court. The Court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI Enforcement Fund. The collection procedures described in 13 V.S.A. § 5240 shall be utilized in the collection of this surcharge.
	§ 1216. Persons under 21 years of age; alcohol concentration of 0.02 or more	
	(a) A person under 21 years of age who operates, attempts to operate, or is in actual physical control of a vehicle on a highway when the person's alcohol concentration is 0.02 or more commits a civil traffic violation subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:	(1) For a first violation, the person's license or privilege to operate shall be suspended for six months and until the person complies with subdivision 1209a(a)(1) of this title. (2) For a second or subsequent violation, the person's license or privilege to operate shall be suspended until the person reaches 21 years of age or for

		one year, whichever is longer, and complies with subdivisions 1209a(a)(2)(A), (B), and (D) of this title.
	§ 1219. Commercial motor vehicle; detectable amount; out-of-service	
	A person who is operating, attempting to operate, or in actual physical control of a commercial motor vehicle with any measurable or detectable amount of alcohol in his or her system	immediately be placed out-of-service for 24 hours by an enforcement officer. A law enforcement officer who has reasonable grounds to believe that a person has a measurable or detectable amount of alcohol in his or her system on the basis of the person's general appearance, conduct, or other substantiating evidence, may request the person to submit to a test, which may be administered with a preliminary screening device. The law enforcement officer shall inform the person at the time the test is requested that refusal to submit will result in disqualification. If the person refuses to submit to the test, the person shall immediately be placed out-of-service for 24 hours and shall be disqualified from driving a commercial motor vehicle as provided in section 4116 of this title.
DRUG	STATUTE	PENALTY
ALCOHOL/TOBACCO (T7 VSA ...)	§ 656. Person under 21 years of age misrepresenting age, procuring, possessing, or consuming alcoholic beverages; civil violation.	
	Prohibited conduct. A person under 21 years of age shall not: (A) Falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous	A person under 21 years of age who knowingly commits a civil violation shall be referred to the Court Diversion Program /Youth Substance Abuse Safety Program. A person who fails to

	<p>beverages, spirits, or fortified wines from any licensee, State liquor agency, or other person or persons. (B) Possess malt or vinous beverages, spirits, or fortified wines for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor. (C) Consume malt or vinous beverages, spirits, or fortified wines. A violation may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.</p>	<p>complete the program successfully shall be subject to: (A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and (B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.</p>
	<p>§ 657a. Person under 16 years of age misrepresenting age or procuring or possessing alcoholic beverages; delinquency</p>	<p>A person under 16 years of age who engages in conduct in violation of subdivision 656(a)(1) (noted above) commits a delinquent act. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.</p>
	<p>§ 658. Sale or furnishing to minors; enabling consumption by minors; minors causing death or serious bodily injury</p>	
	<p>A person shall not: (1) sell or furnish alcoholic beverages to a person under 21 years of age; or (2) knowingly enable the consumption of alcoholic beverages by a person under 21 years of age. "enable the consumption of</p>	<p>A person who violates subsection (a) of this section shall be fined not less than \$500.00 nor more than \$2,000.00 or imprisoned not more than two years, or both. However, an employee of a licensee or an employee of a</p>

	<p>alcoholic beverages" means creating a direct and immediate opportunity for a person to consume alcoholic beverages.</p>	<p>State liquor agency, who in the course of employment violates subdivision (a)(1) of this section: (1) during a compliance check conducted by a law enforcement officer: shall be assessed a civil penalty of not more than \$100.00 for the first violation and a civil penalty of not less than \$100.00 nor more than \$1,000.00 for a second violation that occurs more than one year after the first violation; and shall be subject to the criminal penalties provided for a second violation within a year of the first violation, and for a third or subsequent violation within three years of the first violation. A person who violates subsection (a) of this section, where the person under 21 years of age, while operating a motor vehicle, snowmobile, vessel, or all-terrain vehicle on a public highway, public land, or public waters, or in a place where a Vermont Association of Snow Travelers (VAST) trail maintenance assessment or a Vermont ATV Sportsman's Association (VASA) Trail Access Decal is required, causes death or serious bodily injury to himself or herself or to another person as a result of the violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.</p>
	<p>§ 1005. Persons under 21 years of age; possession of tobacco products; misrepresenting age or purchasing tobacco products; penalty</p>	

	A person under 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. A person under 21 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.	A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of this subsection shall be subject to having the products immediately confiscated and be assessed a civil penalty of \$25.00. A person under 21 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.
	§ 1007. Furnishing tobacco to persons under 21 years of age; report	
	A person that sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under 21 years of age shall be subject to a civil penalty	Not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense.
ALCOHOL/TOBACCO (T23 VSA ...)	§ 1201. Operating vehicle under the influence of alcohol or other substance; criminal refusal; enhanced penalty for BAC of 0.16 or more	
	A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway: (1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a vehicle when the operation requires an operator's license with a school bus endorsement; or (2) when the person is under the influence of alcohol; or (3) when	A person who is convicted of a second or subsequent violation of subsection (a), (b), or (c) of this section when the person's alcohol concentration is proven to be 0.16 or more shall not, for three years from the date of the conviction for which the person's alcohol concentration is 0.16 or more, operate, attempt to operate, or be in actual physical control of any vehicle on a highway when the

	<p>the person is under the influence of any other drug or under the combined influence of alcohol and any other drug; or 4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle. A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation. A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol in the system.</p>	<p>person's alcohol concentration is 0.02 or more. Other penalties may be imposed by law.</p>
	<p>§ 1202. Consent to taking of tests to determine blood alcohol content or presence of other drug</p>	
	<p>(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that</p>	<p>(b) A refusal to take a breath test may be introduced as evidence in a criminal proceeding. (6) If the person refuses to take an evidentiary test, the refusal may be offered into evidence against the</p>

	<p>person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer. (2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section. (3) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title. (4) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an</p>	<p>person at trial, whether or not a search warrant is sought. The person may be charged with the crime of criminal refusal if the person: (A) has previously been convicted of a violation of section 1201 of this title; or (B) is involved in an accident or collision resulting in serious bodily injury or death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial.</p>
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	incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.	
	§ 1205. Civil suspension; summary procedure	
	Refusal; alcohol concentration above legal limits; suspension periods. Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person refused to submit to a test	Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of six months and until the person complies with section 1209a of this title.
	Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle and that the person submitted to a test and the test results indicated that the person's alcohol concentration was above a limit specified, at the time of operating, attempting to operate, or being in actual physical control	Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the person complies with section 1209a of this title.
	Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle and that the person submitted to a test and the test results indicated that the person's alcohol	Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for life.

	concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control	
		Second and subsequent suspensions. The period of suspension shall be 18 months and until the person complies with section 1209a of this title.
		A person suspended under this section for a refusal shall be assessed a surcharge of \$50.00 which shall be collected by the Department of Motor Vehicles prior to reinstatement of the person's driving privileges.
	§ 1206. Suspension of license for driving while under influence; first conviction	
		First conviction-generally. The court shall forward the conviction report to the Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the defendant complies with section 1209a of this title. Extended suspension-fatality or serious bodily injury. A fatality or serious bodily injury to a person other than the defendant, the period of suspension shall be one year and until the defendant complies with section 1209a of this title.
	§ 1208. Suspensions for subsequent convictions	Second conviction. Upon a second conviction of a person, the court shall forward the conviction report to the

		<p>Commissioner of Motor Vehicles. The Commissioner shall immediately suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for 18 months and until the defendant complies with section 1209a of this title.</p> <p>Third conviction. Upon a third or subsequent conviction of a person, the court shall forward the conviction report forthwith to the Commissioner of Motor Vehicles. The Commissioner shall immediately revoke the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a motor vehicle for life.</p>
	<p>§ 1209a. Conditions of reinstatement; alcohol and driving education; screening; therapy programs</p>	
	<p>Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate suspended under section 1216 of this title, shall be reinstated except as follows: (1) first suspension, a license or privilege to operate shall be reinstated only: (A) after the person has successfully completed the Alcohol and Driving Education Program, at the person's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the person's own expense, to determine whether reinstatement should be further</p>	

	<p>conditioned on satisfactory completion of a therapy program agreed to by the person and the Drinking Driver Rehabilitation Program Director; (B) if the screening indicates that therapy is needed, after the person has satisfactorily completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director; (C) if the person elects to operate under an ignition interlock RDL or ignition interlock certificate, after the person operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title; and (D) if the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.</p>	
	<p>(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until: A) the person has successfully completed an alcohol and driving rehabilitation program; (B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director; (C) after the person operates under an ignition interlock RDL or ignition interlock certificate for 18 months or, in the case of a person subject to the one-year</p>	

	<p>hard suspension prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant period arising from a violation of section 1213 of this title, except if otherwise provided in subdivision (4) of this subsection (a); and (D) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.</p>	
	<p>In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until: (A) the person has successfully completed an alcohol and driving rehabilitation program; (B) the person has completed or shown substantial progress in completing a therapy program at the person's own expense agreed to by the person and the Driver Rehabilitation Program Director; (C) the person has satisfied the requirements of subsection (b) of this section; and (D) the person has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.</p>	
	<p>§ 1210. Penalties</p>	<p>First offense. A person who violates section 1201 of this title may be fined not more than \$750.00 or imprisoned for not more than two years, or both.</p>
		<p>Second offense. A person convicted of violating section 1201 of this title who has been convicted of another violation of that section within the last 20 years shall be fined not more than \$1,500.00 or imprisoned</p>

		<p>not more than two years, or both. At least 200 hours of community service shall be performed, or 60 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed.</p>
		<p>Third offense. A person convicted of violating section 1201 of this title who has previously been convicted two times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$2,500.00 or imprisoned not more than five years, or both. At least 96 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed. The court may impose a sentence that does not include a term of imprisonment or that does not require that the 96 hours of imprisonment be served consecutively only if the court makes written findings on the record that such a sentence will serve the interests of justice and public safety.</p>

		<p>Fourth or subsequent offense. A person convicted of violating section 1201 of this title who has previously been convicted three or more times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$5,000.00 or imprisoned not more than 10 years, or both. At least 192 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol treatment facility pursuant to sentence if the program is successfully completed. The court shall not impose a sentence that does not include a term of imprisonment unless the court makes written findings on the record that there are compelling reasons why such a sentence will serve the interests of justice and public safety.</p>
		<p>Death resulting. If the death of any person results from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$10,000.00 or imprisoned not less than one year nor more than 15 years, or both. The provisions of this subsection do not limit or restrict prosecutions for manslaughter.</p>
		<p>If the death of more than one person results from a violation of section 1201 of this title, the operator may be convicted of a</p>

		separate violation of this subdivision for each decedent.
		Death resulting; third or subsequent offense. If the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of that section, a sentence ordered pursuant to this subsection shall include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.
		Notwithstanding the previous subdivision, if the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of that section, the Court may impose a sentence that does not include a term of imprisonment or which includes a term of imprisonment of less than five years if the Court makes written findings on the record that such a sentence will serve the interests of justice and public safety.
		Injury resulting. If serious bodily injury, as defined in 13 V.S.A. § 1021(2), results to any person other than the operator from a violation of section 1201 of this

		title, the person convicted of the violation shall be fined not more than \$5,000.00, or imprisoned not more than 15 years, or both.
		If serious bodily injury as defined in 13 V.S.A. § 1021(2) results to more than one person other than the operator from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each person injured.
		Injury resulting; third or subsequent offense. If serious bodily injury as defined in 13 V.S.A. § 1021(2) results to any person other than the operator from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of section 1201, a sentence ordered pursuant to this subsection shall include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.
		A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$60.00, which shall be added to any fine imposed by the Court. The Court shall collect and transfer such surcharge to the Department of Public Safety for

		deposit in the Blood and Breath Alcohol Testing Special Fund.
		A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the Court. The Court shall collect and transfer the surcharge assessed under this subsection to the Office of Defender General for deposit in the Public Defender Special Fund specifying the source of the monies being deposited.
		A person convicted of violating section 1201 of this title shall be assessed a surcharge of \$50.00, which shall be added to any fine or surcharge imposed by the Court. The Court shall collect and transfer the surcharge assessed under this subsection to be credited to the DUI Enforcement Fund.
	§ 1216. Persons under 21 years of age; alcohol concentration of 0.02 or more	
	(a) A person under 21 years of age who operates, attempts to operate, or is in actual physical control of a vehicle on a highway when the person's alcohol concentration is 0.02 or more commits a civil traffic violation subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:	For a first violation, the person's license or privilege to operate shall be suspended for six months and until the person complies with subdivision 1209a(a)(1) of this title. (2) For a second or subsequent violation, the person's license or privilege to operate shall be suspended until the person reaches 21 years of age or for one year, whichever is longer, and complies with subdivisions 1209a(a)(2)(A), (B), and (D) of this title.

	<p>§ 1219. Commercial motor vehicle; detectable amount; out-of-service</p>	
	<p>A person who is operating, attempting to operate, or in actual physical control of a commercial motor vehicle with any measurable or detectable amount of alcohol in his or her system</p>	<p>Will immediately be placed out-of-service for 24 hours by an enforcement officer. A law enforcement officer who has reasonable grounds to believe that a person has a measurable or detectable amount of alcohol in his or her system on the basis of the person's general appearance, conduct, or other substantiating evidence, may request the person to submit to a test, which may be administered with a preliminary screening device. The law enforcement officer shall inform the person at the time the test is requested that refusal to submit will result in disqualification. If the person refuses to submit to the test, the person shall immediately be placed out-of-service for 24 hours and shall be disqualified from driving a commercial motor vehicle.</p>

FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES		
Cocaine (Schedule II)	500–4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>		
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture			
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture			
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture			
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture			
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture			
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture			
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture			
PENALTIES						
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount		<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>			
Flunitrazepam (Schedule IV)	1 gram					
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>				
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>				
Flunitrazepam (Schedule IV)	Other than 1 gram or more					
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>				

FEDERAL TRAFFICKING PENALTIES—MARIJUANA—

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

Source: https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf