



DRUG FREE SCHOOLS AND COMMUNITIES ACT
BIENNIAL REPORT
DECEMBER 2022

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, including 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.

D. E. Lorraine Sterritt, PhD
President
Saint Michael's College
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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 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.

Timeline:

- Beginning in January 2022, a small, dedicated group of staff began meeting monthly to prepare Saint Michael's Biennial report
- The webpage where the report lives was reviewed for necessary updates/changes
- October 1, 2022: Draft report due for review
- December 1, 2022: Final report submitted
- December 1, 2022: Notification to SMC community (students and employees) of this report and resources on campus/EAP
- Notification of SMC community (students and employees) of this report and resources on campus/EAP on March 1, 2023: Notification of SMC community (students and employees) of this report and resources on campus/EAP

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/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 **866.660.9533**.

The following data has been reported to the College by the EAP and represents data from January 1, 2022, through August 31, 2022:

- **One** employee received counseling and support for **their** substance use
- In the past 6 months, **seven SMC members** have taken EAP's [self-assessment quiz on alcohol use](#)

The EAP also provides educational materials to be shared with the community and we shared resources and educational information specific to alcohol use with employees in September, 2022.

STUDENT REGULATIONS

All Alcohol and Other Drug policies for students are consistently applied and violations of the policy are followed up 100% of the time, most times 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 warning, and assessments.

Policies detailed below are from the Student Code of Conduct 2021-2022[2](#)

ALCOHOL AND OTHER DRUG POLICY

Philosophy

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

To provide an atmosphere in which students are encouraged to make informed and responsible decisions. 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 Counseling Office, the Student Life Office, and the Student Association enhance education efforts regularly presented on campus. A variety of services are available from these offices as well for students who seek assistance with 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 considerations 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:

Prohibits misrepresenting one's age for purposes of purchase or consumption of alcoholic beverages.

Prohibits those of legal age from serving an individual who is visibly intoxicated. Prohibits those of legal age from purchasing and/or serving alcohol to minors. Prohibits operating a motor vehicle while under the influence of alcohol.

Mandates 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 where the effects of alcohol abuse are minimal and where problem behavior is reduced.

To provide information and education which encourages responsible decision making with regard to alcohol use.

To provide an atmosphere where we can further encourage programming that is not alcohol related.

To provide confidential and effective 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 equivalent) 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, i.e., intercollegiate, club or intramural.

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 which sponsor an event where alcohol is sold/served may not use Student Association monies to purchase alcoholic beverages for the event by any means. 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/she becomes involved.

APPROVAL OF EVENTS INVOLVING ALCOHOL

Events where alcohol is present may be approved depending on the nature of both the event and the facility and capacity of the facility, age distribution, and 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.

Non-alcoholic 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 related 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 their organization adheres to the guidelines outlined above.

DRUG POLICY

Vermont State Law and Saint Michael's College prohibits the use, possession or transfer of controlled drugs, and subjects 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 policy. Federal grants are subject to college compliance with the Drug Free Communities and Schools Act, and the Drug Free Workplace Act. Campuses found in noncompliance of 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.

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 SMC 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 policy. Federal grants are subject to college compliance with the Drug Free Communities and Schools Act, and the Drug Free Workplace Act. Campuses found in noncompliance of 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/she must confine that use to off campus locations. If that student is subject to the required residency policy, he/she may present his/her VERMONT medical marijuana registration to the Office of Student Life and request a waiver of the residency requirement so that he/she may reside off campus. The card must be a Vermont medical marijuana registration card. No other state cards are recognized.

JUDICIAL SYSTEM AND DISCIPLINARY PROCEDURES

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

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 by the Dean of Students or his/her designee. The Dean shall refer all cases involving serious or repeated infractions of College policies, rules or regulations including all cases which, 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/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, who 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.

Procedural Guarantees:

Notice: Prior to answering charges before the Judicial Review Board, the student shall be informed in writing of the specific charges which 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 the matter. This disqualification shall be at the discretion of the majority of the Review Board.

Right to Assistance: The student appearing before the Review 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 nor family members will be allowed as support persons nor attend the hearing.

Proof and Process: Those people bringing the complaint 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, 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 Student's 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/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 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: An administrative hearing where a student's behavior is discussed with members of the Residence Life / Dean's Staff. The 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 will be assigned to hear cases as appropriate in order to best meet the needs of both the student and the community.

Administrative Hearing: A hearing where 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/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 life's file in the Dean of Student's Office and may be removed according to conditions specified by the Office of the Dean of Students.

Probation: A sanction consisting of a written statement to a student offender that he/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 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 the Office of the Dean of Students.

Disciplinary Suspension: A sanction consisting of a written statement to a student offender that he/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 the Office of the Dean of Students.

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/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 at any time according to conditions specified by the Office of the Dean of Students.

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 students' 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 are issued in order to temporarily separate a student from the residential community. Weekend evictions involve the student leaving the campus after his/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 by 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, they are 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 but not limited to the Residential Review Conference, Senior Residential Review Conference, Director of Residence Life, Dean of Students, or 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/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 Dean of Student's Office and may be removed according to conditions specified by the Office of the Dean of Students.

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

Active Sanction

Definition: Active Sanction is defined as a student being asked to do something for his/her personal development, education, or to give back to his/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. Some ways include:

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 2-3 weeks, is facilitated by one or more of the 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 name 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 & Responsibility Classes(es)

Definition: Respect and Responsibility is workshop designed to reach out to those students who have had multiple involvements in the judicial process to assist them in becoming a positive member of the Saint Michael’s community and make positive decisions in the future. The class will be facilitated by Student Life staff members on a rotating basis and will meet 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:

- 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.
- MOVE: The student participates in one or more activities with MOVE by signing up on the bulletin board in Alliot. The student does not need to inform MOVE that he/she is being sanctioned to do the service. They need to simply complete the service, and, if requested by the sanctioning officer, turn in documentation of the service and/or a reflection paper.
- 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.
- Off Campus: The student may participate in an off-campus community service activity either in the local community or in their home community if there is a school vacation coming up. This is helpful when 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, number of hours, completion date, and if 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/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. 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 the Office of the Dean of Students.

Application: Probation is the highest level of sanctioning in the Saint Michael's judicial system. Students are placed on Probation after repeated violation 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 but not limited to 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 their classes for the week or 4:00pm on Friday (whichever comes first) and may return after 3:00pm on Sunday. The student may, however, go to the library, chapel, gym, the 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, they are 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 fine: having it charged to their student account.

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 issue(s) that he or she may be experiencing and would benefit from one or more services that an office can provide. Examples of this would be Wellness Center (medical), Personal Counseling within the Wellness Center (counseling), 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), Wilderness Programs (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 them 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 when moving a student out of his/her current situation would be beneficial to both the student and the immediate community, to remove the student from potential negative influences, or when a student 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 where 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 by the Dean of Students or his/her designee. The Dean shall refer all cases involving serious or repeated infractions of College policies, rules or regulations including all cases which, 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 Review Board as well as the members of the community who will serve on the Board. Each Judicial Review Board is comprised of three students appointed annually by the Student Association President, two staff members appointed annually by the President of the College, and 2 Faculty members appointed annually by the Dean of the Faculty. There is a list of alternate members who will serve in cases where 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 they are most familiar with the judicial system and usually have 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 is 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:

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.

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 Dean of Students Office. The suspension is usually effective immediately, although in certain circumstances (i.e., near the end of a semester) it may take effect at a later date.

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/her support person and the Student Life staff to plan for the appropriate follow-up.

Residential Review or Senior Residential Review

Definition: An administrative hearing where 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 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 attend a Residential Review Conference (RRC). RRC's will take place on Wednesdays at pre-determined times. Sanctions will be determined by the AD's and RD's 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 (3) 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/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 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
2. the college disciplinary procedures were violated in a way that probably adversely affected the outcome of the case3
3. the student had an extraordinary life event occur that would preclude them from completing the assigned sanctions.

Timeline for appeals

The student shall have 4 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 for 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.

Additionally, student athletes at Saint Michael's College are 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 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 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, Act I, or detention center placement. We understand engagement in these behaviors have 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 vs. non-competing athletes, as well as how these expectations will apply out of season.

[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, SMC is a tobacco-free campus and tobacco use is prohibited at Saint Michael's College.

We agree to refrain from the use of banned performance enhancing drugs or substances which 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 wellbeing 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.

It should be noted that during COVID19, the programming efforts on campus shifted significantly to accommodate students living under COVID19 guidelines. Many programs moved to on-line formats with mixed success. The efforts were numerous and varied to meet students "where they were" in order to create opportunities that worked given the current guidance/COVID19 guidelines.

Weekly Event Registration

- Fill out an online event registration form
- 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 towards 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 engage in dangerous/risky behavior related to substance abuse. Students have responded favorably to this event registration policy. And, as is noted in the numbers below, 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.

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 Night
- 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
- Non-alcoholic beverages and food must be provided
- A guest roster is required
- Sponsors are responsible for all recycling and cleanup outside your 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 secondly 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, but not limited to 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.

Typical GREAT Housing Evening Offerings:

Tuesdays - “Family Game Knight” – A weekly time to de-stress and have fun with friends

Wednesday - Wellness Wednesday offers a focus on mental health and self-care.

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 they live 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 and Thoughtful Thursdays** are residential life programs created to combat mid-week 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.

Tabling Tuesdays – every Tuesday our Wellness Coordinator hosts a tabling session outside the cafeteria on campus to share information with students related to Wellness – topics include but are not limited to: substance use and misuse, healthy relationships, consent, mental health, STI prevention, nutrition, etc.

Bridgette’s collaboration with Reslife – our Wellness Coordinator is available to collaborate with RA/RD staff to create Wellness programming in the residence halls as requested.

STUDENT ACTIVITIES PROGRAMMING

Friday Knight Dry is the result of a collaboration between Residence Life and the Student Government Association. Together they created a twice-yearly campus-wide experience encompassing all 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 Night Dry is to counter the perception that the only way to have fun is through the use of alcohol and other drug use. This event draws 500-900 enthusiastic student participants.

Late Night Grilling is offered from 11:00 pm – 1:00 am 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 which encourages food consumption (to slow the absorption of alcohol) and an interruption of drinking behavior for a few hours. 250-350 students participate each weekend.

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, white water kayaking, sea kayaking, rock climbing, ice climbing, back country skiing, alpine skiing, camping, and wilderness first aid. In the course of a full year, 1000 students participate in approximately 140 outdoor adventures.

JED Foundation Collaboration: Saint Michael's College recently completed a four-year collaboration with the JED Foundation. We are now considered a "JED Campus." The purpose of this partnership was 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 continuing to adapt and make the needed post-COVID19 changes in how we respond to and support our students and their mental health. We currently have a JED Task Force and out of that have developed four working groups: healthy sexuality, substance abuse prevention, life skills, and gate keeper training.

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.

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 support the safety and wellbeing of our students more effectively 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; 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 always check in with res life staff before a shift 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 their 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 SMC 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 behavior going forward after the meeting. Additionally, after the group is over, each student is required to attend an individual meeting with our **Screening, Brief Intervention, and Referral to Treatment (SBIRT)** clinician to look more closely at their individual situation. Each year we have between 20-3030 students go through the Choices Program.

Screening, Brief Intervention, and Referral to Treatment (SBIRT Grant): We are the sub-recipients of a Federal Grant to provide screening, brief intervention, and referral to treatment for substance use issues. Our SBIRT clinician whose title is “Wellness Coordinator” also oversees the outreach arm of our Bergeron Wellness Center.

Vermont College Coalition The VCC meets several times a year with Vermont Colleges and the State of Vermont representatives to discuss the current trends in higher education, bring forth trainings, hold statewide conferences, collaborate when possible, and generally support each other in drug and alcohol education and reduction on our campuses.

Substance Abuse Recovery Support: The college has an informal understanding with the collegiate recovery community at the University of Vermont for students in recovery. This is in addition to the individual support services available from student life and the Bergeron Wellness Center on campus. However, we do not have a formal recovery community program at Saint Michael’s College.

Biennial Review

The numbers in the chart below are percentages that represent the percentage of our students who responded affirmatively to the question asked in the American College Health Association (ACHA) questionnaire. This questionnaire will be conducted again in the spring of 2023.

There was a concerted effort, starting in 2016, to reduce the number of alcohol violations that occurred on campus. Our numbers from both the Conduct Office, 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 reflected in the ACHA data below, much of the risky behavior associated with substance use on campus have decreased.

<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 their 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. NOTE: We did not do the ACHA survey last year due to COVID19 complications but are planning to survey students again in spring, 2023, so that we will have more current data.

Further statistics from the Office of Community Standards at Saint Michael’s College also demonstrate an overall decrease in problematic behavior related to alcohol and other drug abuse. The numbers reflected below must also reflect the changing landscape of the residential experience during COVID19. Campus guidance restricted significant parts of campus and the ability to gather socially. However, students’ behavior shifted, and we saw changes in the landscape attributed to COVID19 and its impact on student decision making. Additionally, all of our students were sent home from residential housing

in March of 2020 and again to remote status on November 2, 2020. The numbers reflect this reality as well. See below:

	<i>2021-2022 (total students 1308 and 87 off campus)</i>	<i>2020-2021 (total students 1431 with 185 remote and 101 off campus)</i>	<i>2019-2020 (total students 1550)</i>
<i>Protective Custody Hearings (Sober Friend, ACT 1, UVMMC, CCCC)</i>	21	11	27
<i>Alcohol Related Hearings</i>	130	86	92
<i>Marijuana Related Hearings</i>	38	21	39
<i>Disrespect for Persons or Property Hearings</i>	42	33	19

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, and the addition of the SBIRT position and programming, have combined to help our campus to be a safer place for students.

A challenge for SMC 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. SMC has created a new assessment position this year. A goal is to have Student Affairs staff work collaboratively with the person in this role to assess the relationship between Student Affairs efforts and any reduction in substance misuse on campus. SBIRT clinician role will continue. Additionally, although the use of marijuana, alcohol, and cigarettes decreased from 2017 – 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 SMC. We do not currently have any programming in place to address e-cigarette use.

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. Through our work with the JED Foundation initiative, we have created a Task Force that has several working groups as described above. One of the working groups has been tasked with the job of looking more closely at a clear and coherent campus-wide vision for addressing substance misuse on campus. This does not currently have an assessment component, but we are hoping to explore possibilities for assessment in the future.

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.

Expand programming for addressing the increased use of e-cigarettes and vaping use.

Continue programming and education around the use and risks of cannabis as the use and acceptance in the United States increases.

The college should work towards 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:

- Emailed directly to all current students and employees upon publication
- Posting on the College’s public web page
- Posting on the internal college portal
- Provided to all new employees upon hire
- Provided to all new students upon registration
- Physical copies will be available from the office of student life and public safety upon request. Requests can be made anonymously.

LOCAL, STATE AND FEDERAL LAWS

There are no local ordinances or regulations governing the use or restriction of alcohol or other drugs in the town of Colchester or regulated by Chittenden County.

Vermont statutes:

DRUG	QUANTITY	PENALTIES
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CANNABIS (T18 VSA 4230)	Knowingly and unlawfully possessing	
	more than one ounce of cannabis or more than five grams of hashish or cultivate more than two mature cannabis plants or four immature cannabis 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.
	Eight ounces of marijuana or 1.4 ounces of hashish or knowingly and unlawfully cultivating more than four mature cannabis plants or eight immature cannabis plants	Imprisoned not more than three years or fined not more than \$10,000.00, or both
	more than one pound of cannabis or more than 2.8 ounces of hashish or knowingly and unlawfully cultivating more than six mature cannabis plants or 12 immature cannabis plants	Imprisoned not more than five years or fined not more than \$10,000.00, or both

	more than 10 pounds of cannabis or more than one pound of hashish or knowingly and unlawfully cultivating more than 12 mature cannabis plants or 24 immature cannabis 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 cannabis in this subsection shall not include cannabis cultivated, harvested, and stored in accordance with section 4230e of this title.
	Selling or dispensing A person knowingly and unlawfully selling cannabis or hashish.	Imprisoned not more than two years or fined not more than \$10,000.00, or both
	more than one ounce of cannabis 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 cannabis 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 cannabis or five pounds or more of hashish with the intent to sell or dispense the cannabis or hashish	Imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both
	Only the portion of a cannabis-infused product that is attributable to cannabis shall count toward the possession limits of this section.	
CANNABIS (T18 VSA 4230 A)	Cannabis possession by a person 21 years of age or older	<p>(2)(A) A person <u>shall</u> not consume cannabis in a public place. As used in this section, "public place" has the same meaning as provided by 7 V.S.A. S 831.</p> <p>(B) A person who violates this subdivision (a)(2) shall be assessed a civil penalty as follows:</p> <p>(i) not more than \$100.00 for a first offense;</p> <p>(ij) not more than \$200.00 for a second offense; and</p> <p>(iii) not more than \$500.00 for a third or subsequent offense.</p>
	S 4230b. Cannabis possession by a person 16 years of age or older and under 21 years of age; civil violation	<p>1. Offense. A person 16 years of age or older and under 21 years of age who knowingly and unlawfully possesses one ounce or less of cannabis or five grams or less of hashish or two mature cannabis plants or fewer or four immature cannabis plants or fewer commits a civil violation and shall be referred to the Court Diversion Program for</p>

		<p>the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:</p> <ol style="list-style-type: none">1. 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; and2. 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>If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau,</p>
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	<p>S 4230e. Cultivation of cannabis by a person 21 years of age or older</p>	<p>where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.</p> <p>(a)(l) Except as otherwise provided in this section, a person 21 years of age or older who cultivates no more than two mature cannabis plants and four immature cannabis plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.</p> <ol style="list-style-type: none">1. Each dwelling unit shall be limited to two mature cannabis plants and four immature cannabis plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.2. Any cannabis harvested from the plants allowed pursuant to this subsection shall not count toward the one-
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		<p>ounce possession limit in section 4230a of this title provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.</p> <p>3. Cultivation in excess of the limits provided in this subsection shall be punished in accordance with section 4230 of this title.</p> <p>(b)(l) Personal cultivation of cannabis only shall occur:</p> <ol style="list-style-type: none">1. on property lawfully in possession of the cultivator or with the written consent of the person in lawful possession of the property; and2. in an enclosure that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator. <p>(2) A person who violates this subsection</p>
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	<p>S 4230f. Dispensing cannabis to a person under 21 years of age; criminal offense</p>	<p>shall be assessed a civil penalty as follows:</p> <ol style="list-style-type: none"> 1. not more than \$100.00 for a first offense; 2. not more than \$200.00 for a second offense; and 3. not more than \$500.00 for a third or subsequent offense. (Added 2017, No. 86 (Adj. Sess.), S 7.) <ol style="list-style-type: none"> 1. No person shall: <ol style="list-style-type: none"> 1. dispense cannabis to a person under 21 years of age; or 2. knowingly enable the consumption of cannabis by a person under 21 years of age. 2. As used in this section, "enable the consumption of cannabis" means creating a direct and immediate opportunity for a person to consume cannabis. 3. Except as provided in subsection (d) of this section, a person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. 4. A person who violates subsection (a) of this
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		<p>section. where the person under 21 years of age while operating a motor vehicle on a public highway 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>(e)(l) Subsections (a)-(d) of this section shall not apply to a person under 21 years of age who dispenses cannabis to a person under 21 years of age or who knowingly enables the consumption of cannabis by a person under 21 years of age.</p> <ol style="list-style-type: none">1. A person who is 18, 19, or 20 years of age who knowingly dispenses cannabis to a person who is 18, 19, or 20 years of age commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program in accordance
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		<p>with the provisions of section 4230b of this title and shall be subject to the penalties in that section for failure to complete the program successfully.</p> <p>2. A person 18, 19, or 20 years of age who knowingly dispenses to a person under 18 years of age who is at least three years that person's junior shall be sentenced to a term of imprisonment of not more than five years in accordance with section 4237 of this title.</p> <p>(4) A person who is 19 years of age who knowingly dispenses to a person 17 years of age or a person who is 18 years of age who knowingly dispenses cannabis to a person who is 16 or 17 years of age commits a misdemeanor</p>
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	<p>S 4230g. Dispensing cannabis to a person under 21 years of age; civil action for damages</p>	<p>crime and shall be fined not more than \$500.00.</p> <p>(5) A person who is under 18 years of age who knowingly dispenses cannabis to another person who is under 18 years of age commits a delinquent act and shall be subject to 33 V.S.A. chapter 52.</p> <p>1. A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by a person under 21 years of age who is impaired by cannabis, or in consequence of the impairment by cannabis of any person under 21 years of age, shall have a right of action in his or her own name, jointly or severally, against any person or persons who have caused in whole or in part such impairment by knowingly dispensing cannabis to a person under 21 years of age or enabling the consumption of cannabis by a person under 21 years of age.</p>
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	<p>S 4230j. Cannabis possession by a person under 16 years of age; delinquency</p> <p>Knowingly and unlawfully possessing</p>	<p>S 4230j. Cannabis possession by a person under 16 years of age; delinquency A person under 16 years of age who engages in conduct in violation of subdivision 4230b 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. (Added 2019, No. 167 (Adj. Sess.), S 7, eff. Oct. 7, 2020.)</p> <p>Imprisoned not more than one year or fined not more than \$2,000.00, or both</p>
<p>COCAINE (T18 VSA 4231)</p>	<p>2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine</p>	<p>Imprisoned not more than five years or fined not more than \$100,000.00, or both</p>
	<p>One ounce or more of one or more preparations, compounds, mixtures, or substances containing cocaine</p>	<p>Imprisoned not more than 10 years or fined not more than \$250,000.00, or both</p>

	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	Imprisoned not more than 10 years or fined not more than \$100,000.00, or both

	substances containing lysergic acid diethylamide	
	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, mixtures, or substances containing methamphetamine	Imprisoned not more than 10 years or fined not more than \$250,000.00, or both
	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	First violation - civil penalty of not more than \$100.00; and second and subsequent

	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.	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 cannabis*	
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 ...)	<p>§ 656. Person under 21 years of age misrepresenting age, procuring, possessing, or consuming alcoholic beverages; civil violation.</p>	
	<p>(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</p>	<p>(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.</p>

	<p>minor has consumed malt or vinous beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.</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) 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.</p>
	<p>§ 658. Sale or furnishing to minors; enabling consumption by minors; minors causing death or serious bodily injury</p>	
	<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. (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</p>

		<p>years of the first violation. (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 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>	
	<p>(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</p>	<p>(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.</p>

	her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.	
	§ 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.
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) 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	(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>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</p>	
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	<p>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>§ 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 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.</p> <p>(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</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 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>

	<p>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</p>	
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	<p>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 operating, attempting to operate, or in</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 90 days and until the person complies with section 1209a of this title.</p>

	<p>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,</p>	
	<p>(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,</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 life.</p>
		<p>(m) Second and subsequent suspensions. For a second suspension under this subchapter, the period of suspension shall</p>

		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	
		(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.
	§ 1208. Suspensions for subsequent convictions	(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

		<p>of this title. (b) Third conviction. Upon a third or subsequent conviction of a person violating a provision of 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 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,</p>

		civil citations, or unpaid fines or penalties for a violation under this chapter.
		(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 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.

		<p>(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 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 consecutive hours of the</p>

		<p>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 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.</p>
		<p>(B) Notwithstanding subdivision (A) of this subdivision (3), if the death of any person</p>

		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) 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.
		(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.
		(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.
		(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	(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

	civil traffic violation subject to the jurisdiction of the Judicial Bureau and subject to the following sanctions:	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.
	Chapter 084 : Possession And Control Of Regulated Drugs	<p>§ 4254. Immunity from liability</p> <p>(a) As used in this section:</p> <p>1."Drug overdose" means an acute condition resulting from or believed to be resulting from the use of a regulated drug that a layperson would reasonably believe requires medical assistance. For purposes of this section, "regulated drug" shall include alcohol.</p> <p>2."Medical assistance" means professional services provided to a person experiencing a drug overdose by a health care professional licensed, registered, or certified under State law who, acting within his or her lawful scope of practice, may provide diagnosis,</p>

		<p>treatment, or emergency services for a person experiencing a drug overdose.</p> <p>3. "Seeks medical assistance" shall include providing care to someone who is experiencing a drug overdose while awaiting the arrival of medical assistance to aid the overdose victim.</p> <p>(b). A person who, in good faith and in a timely manner, seeks medical assistance for someone who is experiencing a drug overdose shall not be cited, arrested, or prosecuted for a violation of this chapter or cited, arrested, or prosecuted for procuring, possessing, or consuming alcohol by someone under 21 years of age pursuant to 7 V.S.A. § 656 or for providing to or enabling consumption of alcohol by someone under 21 years of age pursuant to 7 V.S.A. § 658(a)-(c).</p> <p>(c). A person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself or is the subject of a good faith request for medical assistance shall not be cited, arrested, or prosecuted for a violation of this chapter or cited, arrested, or prosecuted for procuring, possessing, or consuming alcohol by someone under 21 years of age pursuant to 7 V.S.A. § 656 or for providing to or enabling consumption of alcohol by someone under 21 years of age pursuant to 7 V.S.A. § 658(a)-(c).</p> <p>(d). A person who seeks medical assistance for a drug overdose or is the subject of a good faith request for medical assistance pursuant to subsection (b) or (c) of this section shall not be subject to any of the penalties for violation of 13 V.S.A. § 1030 (violation of a protection order), for a violation of this chapter</p>
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		<p>or 7 V.S.A. § 656, for being at the scene of the drug overdose or for being within close proximity to any person at the scene of the drug overdose.</p> <p>(e). A person who seeks medical assistance for a drug overdose or is the subject of a good faith request for medical assistance pursuant to subsection (b) or (c) of this section shall not be subject to any sanction for a violation of a condition of pretrial release, probation, furlough, or parole for a violation of this chapter or 7 V.S.A. § 656 for being at the scene of the drug overdose or for being within close proximity to any person at the scene of the drug overdose.</p> <p>(f). The act of seeking medical assistance for or by someone who is experiencing a drug overdose shall be considered a mitigating circumstance at sentencing for a violation of any other offense.</p> <p>(g). The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person's seeking medical assistance for a drug overdose, being the subject of a good faith request for medical assistance, being at the scene, or being within close proximity to any person at the scene of the drug overdose for which medical assistance was sought and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.</p> <p>(h). A person who seeks medical assistance for a drug overdose pursuant to subsection (b) or (c) of this section shall not be subject to the provisions of subchapter 2 of this chapter concerning property subject to forfeiture, except that</p>
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		<p>prima facie contraband shall be subject to forfeiture.</p> <p>(i). Except in cases of reckless or intentional misconduct, law enforcement shall be immune from liability for citing or arresting a person who is later determined to qualify for immunity under this section. (Added 2013, No. 71, § 2, eff. June 5, 2013; amended 2013, No. 195 (Adj. Sess.), § 17; 2017, No. 83, § 148.)</p>

FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	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. 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.	5 kgs or more mixture	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. 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. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
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	100 gm or more pure or 1 kg or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture			
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	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. 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.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	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. 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.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

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