

Federal Drug-Free Schools and Campuses Regulations

University of Montana Western Annual Policy Notification

May 2022

June 1, 2022

Federal Drug-Free Schools and Campuses Regulations [EDGAR Part 86]

As a requirement of these regulations, The University of Montana Western is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis. This process is formally conducted by email distribution to all faculty, staff, and students as well as posting these annual notifications online at: <https://www.umwestern.edu>. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to Nicole Hazelbaker, Dean of Students at: nicole.hazelbaker@umwestern.edu or (406) 683-7388.

As an academic community, The University of Montana Western is committed to providing an environment in which learning and scholarship can flourish. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and staff. The University of Montana Western acknowledges state and federal laws and enforces University policies regarding the distribution, possession, or use of illegal drugs or controlled substances.

The University of Montana Western strongly encourages students and staff members to voluntarily obtain assistance for dependency or abuse problem before such behavior results in an arrest and/or disciplinary referral which might result in their separation from the institution. The University recognizes that behavioral health problems, which affect work or student performance, may be correctable through treatment or counseling. The University strongly supports such counseling measures and employees are encouraged to seek such services.

The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Conduct Code or staff/faculty expectations, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

Help is available both on campus and within the community for faculty, staff, and students who are dependent on, or who abuse the use of alcohol or other drugs. Montana Western Student Counseling (406-683-7388) as well as various employee assistance programs available through employee health insurance programs (406-683-7010) will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. Additionally, the staff of Montana Western Student Affairs, including Wellness and Student Counseling Services provides educational and awareness programming, information, and assistance regarding drug and alcohol use to faculty, staff, and students.

Regarding drug and alcohol treatment services in the Dillon community, confidential chemical dependency assessment, outpatient counseling, and patient placement services are available at Barrett Hospital and Healthcare (406-683-1188). Information on additional Dillon community behavioral health outpatient services can be confidentially obtained by faculty, staff, and students from Montana Western Student Counseling Services, Montana Western Human Resources, or at this link: https://www.cscfswmt.org/uploads/2/4/2/6/24265810/behavioral_health_provider_list.pdf

University of Montana Western Alcohol and Drug Policies

Campus Policy 100.5: Campus Alcohol

Consumption of alcoholic beverages on property belonging to the Montana University System is prohibited except as expressly permitted (Board of Regents Policy 503.1). Specifically, the use or possession of alcoholic beverages is prohibited:

- in University of Montana Western buildings, grounds, and athletic fields,
- at on- or-off campus university-sponsored events, and
- at on- or off-campus university-recognized student club events, except in limited approved circumstances.

Except for the limited exceptions listed below, no event involving the service of alcoholic beverages may take place without the prior written approval of the Chancellor or his/her designee. Alcoholic beverages maybe limited to beer and wine.

The purpose of this policy is to provide regulations governing the use and possession of alcoholic beverages on university-owned or controlled property, for university-sponsored events, and for events by university-recognized student clubs.

It is the University's intent to comply with applicable laws pertaining to the sale, possession, and consumption of alcoholic beverages and to foster responsible attitudes toward alcohol among members of the University community, including students, faculty, staff, and visitors.

A. Definitions

University clubs, organizations, and campus events include, but are not limited to, sport groups, academic honoraries, athletic teams, service organizations, sponsored parties, tailgate parties, dances, picnics, banquets, field trips, sponsored recreational events, and social functions.

“Alcoholic beverage” means any beverage subject to the “Montana Alcoholic Beverages Code.”

B. Exceptions

The consumption of alcoholic beverages at university-recognized events is allowed with advance written approval by the Chancellor or his/her designee providing certain stipulations are met. Guidelines, procedures and Alcohol Registration Forms are available from the Conference & Event Services Office (see UMW Policy 600.3).

Alcoholic beverages may be consumed in the privacy of a Family Housing apartment, the Chancellor's residence, and university rental houses, in accordance with local, state, and federal laws and existing university student conduct regulations.

C. On Campus Events

Alcoholic beverages on University property shall conform to the following conditions:

- All events held on University property that involve service of alcoholic beverages, except those in Family Housing apartments, the Chancellor's residence, and university rental houses, must be scheduled with the UMW Conference & Event Services Office.
- Consumption shall be in connection with a substantive event, such as a banquet, official entertainment, reception, or approved tailgate party.
- Food and nonalcoholic beverages shall be available.
- The event shall be monitored to prevent consumption by persons not of legal age.
- All events involving alcoholic beverages must have appropriate licenses and permits.
- The sale of alcoholic beverages or any indirect means of collecting money to pay for alcoholic beverages is prohibited unless a licensed alcohol vendor caters the event or a temporary alcohol permit is obtained from the State. The vendor must possess a current Montana all-beverage license and an annually renewable catering permit.
- University or student club funds may not be used to buy alcoholic beverages.
- Each club or organization sponsoring an event shall adhere to the risk management guidelines contained in this policy.
- Unreasonable or irresponsible conduct or violation of any regulation or noncompliance with any limitation outlined herein will justify discontinuance of the event and subsequent denial of University service and facilities.
- UMW Foundation events serving alcoholic beverages on campus are not subject to this policy unless co-sponsored by a student club. Events are approved through the catering policy.

D. Off Campus Events

University-sponsored events must meet the same requirements that apply to on-campus events.

Any university-recognized student club that sponsors any gathering, meeting, or other activity off-campus that involves alcoholic beverages must meet the same requirements that apply to on-campus events, with the exception of the following privileges and restrictions:

- Student officers or officials must meet with the club's advisor to ensure their risk management plan adheres to university alcohol policies and risk management guidelines and have the event approved by the Chancellor.

- A University-recognized student club that sponsors an event involving alcoholic beverages off University property must have the event catered by a licensed vendor, if fifteen (15) or more persons attend the event. Vendor approval by Conference & Event Services is not required.
- A University-recognized student club that sponsors an event involving alcoholic beverages off University property is not required to have the event catered by a licensed vendor if fourteen (14) or fewer persons attend the event. However, the sale of alcohol is prohibited unless a licensed vendor caters the event.
- Event participants may contribute personal funds to purchase alcoholic beverages for the event. Students who organize and participate in this type of event assume the responsibility for serving alcohol and monitoring its use in accordance with local ordinances, state, and federal laws, and Board of Regents and UMW policies.
- University-recognized student clubs may not apply for a special permit from the State of Montana Liquor Division.
- Violations of university alcohol regulations are also violations of the UMW Student Conduct Code.
- Violators are subject to disciplinary action pursuant to the Code. The University, including ASUMW, may deny privileges to a student club or impose other sanctions for alcohol violations.

E. Alcohol Risk Management Guidelines

Risk Management guidelines are intended to help safeguard the University community against potential harm and exposure to legal liability. Therefore, it is imperative that policies are consistently enforced and the following strategies be incorporated into planning and implementing any event.

- Alcohol-free events should be promoted.
- Reasonable amounts of food and nonalcoholic beverages must be available at the same place and featured as prominently as alcoholic beverages.
- Alcoholic beverages must not be served to minors. Adults risk criminal liability, as well as civil liability, when minors consume alcoholic beverages.
- At social functions where alcoholic beverages are provided by the sponsoring organization, direct access should be limited to designated servers and consumption permitted only within designated and monitored areas.
- Drinking competitions are prohibited.
- Activities promoting forced consumption of alcohol are not allowed and could subject those individuals providing alcohol to liability.
- Service and consumption of alcoholic beverages must not exceed four (4) hours. Exceptions may apply.
- Service must be refused to anyone who appears to be intoxicated.
- A plan must be implemented for controlling and limiting the quantity of alcohol served.

- Access to the event must be controlled.
- Assistance should be provided to individuals who are abusing alcohol.
- Safe transportation to and from events should be encouraged and/or provided, including a designated driver program.
- Alcohol consumption at tailgate parties may begin no earlier than two (2) hours before the scheduled start of the game, and may continue no later than the start of the second half of the game.
- Ongoing education should be provided by the University to inform individuals about the potential risks associated with excessive use of alcohol.
- Alcohol may not be the focus of the event.
- The amount of alcohol may not be used as an inducement to attend or participate in an event, and event promotional material may not make reference to the amount of alcohol available for consumption, such as number of beer kegs.
- Event advertisements should mention the availability of nonalcoholic beverages as prominently as alcohol.
- Alcoholic beverages are not to be provided as free awards to individual students or campus groups.

F. Advertising and Promotion Involving Alcohol

For any University-related event or activity, The University of Montana Western will not:

- Use beer, wine, or liquor products (name, trademark, or logo) in advertisements and promotions for, or as sponsors of, any University event or activity, regardless of location.
- Use any University logo, trademark, or name in conjunction with alcoholic beverage products or symbols.
- Make alcohol the focus of any University event, or use availability of beer or other alcoholic beverages to promote any University event.

G. Residence Hall Alcohol Policy

The University of Montana Western follows all state and federal statutes. In accordance with state law, students under the age of 21 cannot consume or possess alcohol. When both residents of the room are under the age of 21, neither they nor their guests/visitors may possess or consume alcohol. This includes shot glasses, alcohol decorations (trophy bottles), empty alcohol containers, etc.

For rooms in which one roommate is 21 or older while the other roommate is not of legal drinking age, the resident who is of legal drinking age may not consume alcohol in his/her room. Rooms where both or all roommates are of legal drinking age may consume alcohol inside their room and must keep their behavior from being disruptive. No guests under the age of 21 may be present in the room while the of-age roommate/guests are consuming alcoholic beverages.

Alcohol is not allowed in any public areas of the building or in rooms occupied by underage residents. Most alcohol situations are brought to attention because of disruptive behavior. This behavior is addressed through student conduct and may require attendance at a behavioral Health Options (Options). The cost of the Options program is the responsibility of the student.

Alcohol violations carry with them the prospect of a Minor In Possession (MIP) and other criminal charges, and more severe consequences are dependent on the behavior displayed at the time of documentation.

Campus Policy 100.6: Drug Free Campus

The University of Montana Western is committed to providing a drug-free campus. In accordance with The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA): The DFSCA requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education such as the University of Montana Western, must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. If audited, failure to comply with the Drug-Free Schools and Communities Regulations may cause an institution to forfeit eligibility for federal funding.

The purpose of this policy is to comply with the Drug-Free Schools & Communities Act of 1989

Any faculty member, staff member, or student who violates this prohibition, or who does not cooperate with the University in its attempts to maintain a drug-free environment, will face disciplinary action up to and including expulsion or dismissal from UMW. Such persons also may be required, as a condition of continuing their relationship with the University, to enroll, at their own expense, in a substance abuse counseling and/or treatment program.

Individuals violating any town ordinances, state criminal laws, or federal laws relating to alcohol or drug use also risk fines and imprisonment.

To certify its compliance with the regulations, the University of Montana Western has implemented a drug prevention program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities. Creating a program that complies with the regulations requires the University of Montana Western to do the following:

- Prepare a written policy on alcohol and other drugs.
- Develop a sound method of distribution of the policy to every student and IHE staff member each year.
- Prepare a biennial review report on the effectiveness of its alcohol and other drug (AOD) programs and the consistency of policy enforcement.
- Maintain its biennial review report on file so that it can be submitted, if requested by the U.S. Department of Education, other entity or individual.

If questions arise related to any of these guidelines or policies, contact the Dean of Students for the appropriate department for referral. Faculty, staff, and students are encouraged to familiarize themselves with resources available in the area of substance abuse, counseling, and treatment. In addition, Student Counseling is available to assist students with substance-related problems.

Campus Policy 705.3: Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988, The University of Montana Western is committed to providing a drug-free workplace. The unlawful manufacture, distribution, sale, possession, or use of a controlled substance in the workplace or while conducting University business is prohibited.

The purpose of this policy is to provide a safe and healthy environment for UMW employees, students, and visitors.

All employees will be given a copy of this policy. Employees must comply with this policy and notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction. The supervisor is responsible for notifying the Vice Chancellor for Administration & Finance/Student Affairs immediately upon notice from the employee. The Vice Chancellor for Administration & Finance/Student Affairs is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten days of learning of the conviction.

Employees who violate this policy will be subject to counseling or to disciplinary action in accordance with personnel policy or collective bargaining agreements if applicable. UMW recognizes that behavioral health problems, which affect work performance, may be correctable through treatment or counseling. The University strongly supports such counseling measures and employees are encouraged to seek such services.

The University has contracted to provide for employee assistance counseling and referral. The University Wellness Program, along with Human Resource Services, provides periodic awareness training about the effects of drug use and abuse, counsels employees on available assistance under the group insurance plan, and makes confidential referrals to our employee assistance program.

It is unlawful for student employees to manufacture, distribute, sell or possess a controlled substance in the workplace. Student employees are notified of this policy when signing their employment document and are subject to disciplinary action just as any other employee. Awareness training about the effects of drug use and abuse is available to students through counseling services at the University

Student Policy and Sanctions – Alcohol and Other Drugs

Student Code of Conduct: 4 – Rules and Regulations, i. General Behavioral Code for Misconduct & ii. General Behavioral Code for Residence Halls and Family Housing

Students have the responsibility to conduct themselves in a manner that does not impair the welfare or educational opportunities of others in the Montana Western community. Students must act as responsible members of the academic community; respect the rights, privileges, and dignity of others; and refrain from actions that interfere with normal University functions.

General Misconduct includes all forms of misconduct, except academic misconduct. Some, but not all, of the acts listed below are criminal acts under the laws of Montana. In all cases, Montana Western concerns itself with general, or non-academic, misconduct insofar as it directly affects the Montana Western community. General misconduct is subject to University disciplinary action(s), and includes:

Use, possession, or distribution of alcoholic beverages on University premises or at University-sponsored activities except as permitted in University policies (Facility Use Policy, and Alcohol Policy – see above). NOTE: According to Montana law, use or abuse of alcohol does not justify abusive or damaging behavior; such use or abuse will not constitute grounds for reduced sanctions for Conduct Code violations.

Use, possession, or distribution of medical marijuana. Although Montana state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession or cultivation of marijuana for medical purposes is therefore not allowed in any University of Montana Western housing or any other University of Montana Western property; nor is it allowed at any University-sponsored event or activity off campus.

Illegal use, possession, or distribution of any controlled substance on University premises or at University-sponsored activities; or illegal distribution of any controlled substance off-campus, subject to procedures in Section I, Jurisdiction.

The University of Montana Western reserves the right to contact parents of students under the age of 21 as they become involved in or are adjudicated for violations of Montana Western's drug and alcohol policies. Contacts are made when it is deemed appropriate for the safety and well-being of the involved student.

Montana Western will impose disciplinary sanctions (consistent with local, State, and federal laws), and consistently enforce such sanctions relating to the unlawful possession, use, or distribution of alcohol and illicit drugs by students. Violations of this policy will result in disciplinary action up to and including expulsion and may have legal consequences. A student violating this policy may be required to satisfactorily complete a drug abuse assistance or rehabilitation program as an alternative to suspension or expulsion. Anyone unlawfully possessing or using drugs risks being reported to the appropriate law enforcement agency.

Student Code of Conduct: 4 – Rules and Regulations, h. General Behavior Penalties

General Behavior Sanctions (Also apply to Residence Hall and Family Housing violations)

Sanctions may include any one or more of the following:

- Expulsion

The student is permanently separated from the University and/or from University-owned or controlled property or events. This sanction requires an administrative review by the Vice Chancellor for Administration, Finance, and Student Affairs.

- Suspension

The student is separated from the University for a specified period of time, and may also be excluded from participation in any University-sponsored activity. This sanction requires an administrative review by the Vice Chancellor for Administration, Finance, and Student Affairs.

- Disciplinary Probation

The student continues attendance at Montana Western and is subject to restrictions and/or conditions imposed by the University for a specified period of time.

- Disciplinary Warning

The student is warned that further misconduct may result in severe disciplinary sanctions.

- Restitution

The student is required to make payment for damage to Montana Western as a result of violation of this Code.

- Other Sanctions

In addition to or in lieu of the above, other sanctions may be imposed. For example, the student may be evicted from the Residence Halls or Family Housing, may be prohibited from attending campus events or participating in organized activities, and/or may be required to attend and complete classes, programs, workshops, or counseling dealing with specific behaviors, such as drug and alcohol abuse and sexual offenses, as conditions of current or future enrollment.

- Community Service

Students may be required to perform a certain number of unpaid volunteer service hours.

Repeated or aggravated violation of this Code of Conduct may result in more severe disciplinary sanctions than any individual violation might warrant.

Committing any act prohibited by this Code of Conduct may result in expulsion or suspension from the University unless specific and mitigating factors are present. Factors to be considered in mitigation may include the present attitude and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.

Notification of any sanction imposed is sent to appropriate University officials.

Readmission to Montana Western following General Misconduct suspension is dependent upon the student's compliance with the conditions designated at the time of suspension and the student's fitness to return to the campus community. These decisions are made by the Dean of Students upon consultation with appropriate professional staff on campus and/or in the community. Appropriate documentation, depending upon the nature of the original violation and the conditions of suspension, is required.

Temporary Suspension

Montana Western reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

A student may be temporarily suspended from the University or evicted from University housing by the Dean of Students, pending disciplinary or criminal proceedings, such suspension or eviction to become immediately effective without prior notice whenever there is evidence that the student's continued presence on the campus constitutes a threat to the student or others or to the continuance of normal University operations. In cases of temporary suspension or eviction, the student is given an opportunity to appear before the Dean of Students within five (5) working days from the effective date of the suspension or eviction in order to discuss the following issues:

- The reliability of the evidence against the student.
- Whether the alleged conduct and surrounding circumstances reasonably indicate that the student's presence on campus constitutes a threat to others, or to the continuance of normal University operations.

Faculty members have the independent authority to exclude a student from any class session in which the student displays disruptive behavior that threatens the learning environment or safety and well-being of others in the classroom. The student remains eligible to return to the next class session. The faculty member maintains the authority to remove the student from each class session during which the student is disruptive. The student may be suspended permanently from a class upon recommendation of the Dean of Students under the disciplinary procedures outlined in this Code.

University Policies of Special Note for Students

Alcohol Policy Summary

Consumption of alcoholic beverages on property belonging to the Montana University System is prohibited except as expressly permitted.

Unless otherwise authorized by the Chancellor or designee, alcoholic beverages may not be consumed on campus.

Authorization by the Chancellor for consumption of alcoholic beverages shall conform to the following:

- Consumption shall be in connection with a substantive event, such as a banquet, official entertainment, or reception.
- Food and non-alcoholic beverages shall also be available.
- The event shall be monitored to prevent consumption by a person not of legal age.
- Must submit waiver form prior to the event.

The University of Montana Western reserves the right to contact parents of students under the age of 21 as they become involved in or are adjudicated for violations of Montana Western's drug and alcohol policies. Contacts are made when it is deemed appropriate for the safety and well-being of the involved student.

Alcoholic beverage means any beverage that is subject to the Montana Alcoholic Beverages Code.

Property belonging to the Montana University System means any property that is owned, leased, or otherwise controlled by any unit of the Montana University System.

Further information regarding Montana Western's alcohol use policies (100.5) is available from the Conference & Events Office, Mathews Hall, 683-7566

Drug Free Schools and Communities Act

In accordance with the Drug-Free Schools and Communities Act of 1989, the unlawful possession, use, or distribution of alcohol and illicit drugs by University employees and its students on institutional property or at any of its activities is prohibited. Montana Western will uphold the standards of conduct that prohibit the unlawful possession, use, or distribution of alcohol and illicit drugs by its employees and students.

Montana Western will impose disciplinary sanctions (consistent with local, State, and federal laws), and consistently enforce such sanctions relating to the unlawful possession, use, or distribution of alcohol and illicit drugs by its employees and students. Violations of this policy will result in disciplinary action up to and including termination or expulsion and may have legal consequences. A student violating this policy may be required to satisfactorily complete a drug abuse assistance or rehabilitation program as an alternative to suspension or expulsion. Anyone unlawfully possessing or using drugs risks being reported to the appropriate law enforcement agency.

There are at least two alternatives for students seeking assistance with substance use or abuse-related issues. Scheduling an appointment with a counselor at Student Counseling Services is a good first step toward identifying at-risk behavior or to obtain coping strategies for substance use disorders. Services are available to help students with substance abuse problems, including dealing with friends and family who may have substance abuse issues. Call (406) 683-7388 to set up a confidential appointment. Barrett Hospital and Healthcare (BHH) also provides confidential outpatient drug and alcohol counseling services. To establish care with a therapist at BHH, you may call (406) 683-1188.

Bulldog Athletics Standards of Conduct Regarding Alcohol and Other Drugs

Alcohol

Prohibited acts include (1) possessing or consuming alcohol if under the age of 21. ALL use of alcohol is prohibited on the UMW campus or during any UMW sponsored event, regardless of age. (2) operating a motor vehicle while under the influence of alcohol, (3) misrepresenting one's age for the purpose of purchasing, possessing, or consuming alcohol, (4) purchasing, furnishing, or serving alcohol to or for an underage person, (5) being dangerously intoxicated to the point where State law mandates being taken into custody, (6) other prohibited acts as outlined in the UMW Student Code of Conduct, (7) violations of additional Team Rules regarding alcohol use, and/or (8) consumption of alcohol during team travel or at team functions.

Other Drugs

Prohibited acts include (1) possessing or using illegal substances, as defined by law, (2) possessing or using controlled substances as defined by law (provided that controlled substances may be taken pursuant to a properly issued prescription in the amount prescribed), (3) distributing, selling, or possessing with the intent to distribute illegal or controlled substances, as defined by law, (4) using tobacco products during practice, competition, or other team functions, (5) other prohibited acts as described in the UMW Student Code of Conduct.

Disciplinary Process and Sanctions

The Department of Athletics' disciplinary process is independent of, and supplements the University judicial process. The Department of Athletics may levy sanctions above and beyond those levied by the normal University judicial process, and for violations that do not fall under the rules of other authorities. Sanctions will vary depending on the type and circumstances of the violation. A first-time offense may be serious enough to warrant any of the possible sanctions listed in section IV. A, below. Failure to participate and cooperate in an Department of Athletics, Frontier Conference, NAIA or NIRA investigation of a possible violation of this Code of Conduct, Frontier Conference, NAIA or NIRA rules, may itself constitute a basis for disciplinary action.

A. Possible sanctions include, but are not limited to:

- Warning. The issuance of a written warning or letter of expectation.
- Probation. Special status with conditions imposed for a limited time.
- Community Service.
- Restitution. Payment for damaged property.
- Temporary Suspension. Removal of a student-athlete from all Department of Athletics activities, including athletic participation in team events, for a limited period of time.
- Suspension. Removal of a student-athlete from all Department of Athletics activities, including athletic participation in team events, for a specified period of no less than one season.
- Expulsion. Permanent removal from a team and/or Department of Athletics activities.

B. Violations of Team Rules.

Head Coaches will establish team rules consistent with this Code of Conduct. Team rules shall be in writing and distributed to team members at the start of each academic year or the beginning of the playing season, whichever comes first. The Head Coach and the Director of Athletics have the authority to impose sanctions for the violation of team rules but the Head Coach shall not impose the sanction of suspension or expulsion from the team without first discussing the circumstances of the suspension or expulsion with the Director of Athletics.

C. Violation of Rules or Policies other than Team Rules.

For violations of rules and policies other than team rules (e.g., violations of Frontier Conference, NAIA or NIRA rules, the UMW Student Code of Conduct, etc.) the Director of Athletics, or the Head Coach with the approval of the Director of Athletics may impose sanctions.

D. Violation of Criminal Law.

When a student-athlete has engaged in conduct alleged to be in violation of criminal law, immediately upon receipt of notice of such possible violation the Head Coach must report the information to the Director of Athletics. Student-athletes arrested for, or charged with, violating criminal law will be placed on immediate administrative suspension from involvement in team activity pending further investigation. If a violation would constitute a misdemeanor, the Director of Athletics, in consultation with the Head Coach, may in the exercise of his/her reasonable discretion lift the administrative suspension. If a violation of law constitutes a felony, the administrative suspension may be lifted only upon authorization of the Director of Athletics in consultation with the UMW Chancellor and/or Provost. In all cases in which a student-athlete is arrested for or charged with felony illegal use of drugs, illegal gambling, sexual misconduct or violence, the student-athlete will be immediately suspended, and the suspension may be lifted only by the Director of Athletics in consultation with the UMW Chancellor and/or Provost.

E. Suspension Guidelines:

When suspended from involvement in team activities (competition, meetings, practices), a student-athlete may be allowed use of facilities for academic services, athletic training and strength and conditioning. The Head Coach may, for violation of criminal law, impose team sanctions on the student-athlete apart from the athletic department issued suspension with the approval of the Director of Athletics. By suspending the student-athlete, the UMW athletic department is not pre-judging guilt or innocence, rather the suspension protects the integrity of UMW, our athletic department, our student-athletes and sports programs.

F. Termination of scholarship benefits:

The Director of Athletics may pursue revocation or modification of athletically-related financial aid, such as a scholarship, as a consequence of any and all level of misconduct. Any action to revoke or modify athletically-related financial aid will be in accordance with NAIA, NIRA, Frontier Conference and institutional procedures.

G. Multi-Sport Athletes.

Multi-sport athletes will not be relieved of any sanctions previously imposed in connection with rules violation while participating in another team sport when changing sports.

Referral to Counseling

Students who, in the judgment of their Coach, Athletic Trainer or the Director of Athletics, signal a need for professional assistance will be referred to appropriate counseling resources. Counseling services available through UMW should be coordinated through the Office of Student Counseling located in the Dean of Students Center (683-7388). It is the student-athlete's responsibility to follow up on this referral and to adhere to professional recommendations. Counseling services are confidential and free to all UMW Students.

Drug Testing

All UMW student-athletes are subject to substance abuse testing. Selection for the testing could occur randomly throughout a student-athletes association with UMW. The Director of Athletics, and/or his/her designee will determine the date, time, and site for testing. UMW Athletics may conduct random testing throughout the course of the academic year.

In addition to random testing, UMW Athletics reserves the right to screen a student-athlete anytime there is reasonable suspicion that he/she may be engaged in the use of banned substances. The term "reasonable suspicion" means that information has been given to a member of the coaching staff, athletic trainers, and/or an athletics administrator, regarding a student-athlete's possible use of banned substances. Other events or conduct may rise to the level of reasonable suspicion, including but not limited to: (a) a student-athlete's possession or use of a prohibited substance; (b) a student- 25 athlete's arrest or conviction related to the possession of, use or trafficking of banned substances; or (c) abnormal conduct interpretable as being caused by the use of banned sub-stances.

Reasonable suspicion shall not mean a mere “hunch” or “intuition.” It shall be based upon a specific event or occurrence, which leads to the belief based on reasonable circumstances that a student-athlete has used a banned substance.

- Such belief may be engendered by direct observation, a physical or mental deficiency, medically indicated symptomology of banned substance use, suspicious conduct, or unexplained absence.
- Such belief may also be engendered by information supplied by reliable third parties corroborated by objective facts.
- Such belief may also be engendered by common-sense conclusions about observed or reliably described human behavior upon which practical people ordinarily rely.

Montana Sanctions for Alcohol Possession Under the Age of 21

MCA-45-5-624. Possession of or unlawful attempt to purchase intoxicating substance -- interference with sentence or court order.

(1) A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person's possession an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under **16-6-305** or when in the course of employment it is necessary to possess alcoholic beverages.

(2) (a) In addition to any disposition by the youth court under **41-5-1512**, a person under 18 years of age who is convicted under this section:

(i) for a first offense, shall be fined an amount not less than \$100 and not to exceed \$300 and:

(A) shall be ordered to perform 20 hours of community service;

(B) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and

(C) if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);

(ii) for a second offense, shall be fined an amount not less than \$200 and not to exceed \$600 and:

(A) shall be ordered to perform 40 hours of community service;

(B) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available;

(C) if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and

(D) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8);

(iii) for a third or subsequent offense, shall be fined an amount not less than \$300 or more than \$900, shall be ordered to perform 60 hours of community service, shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8). If the person has a driver's license, the

court shall confiscate the license for 6 months, except as provided in subsection (2)(b).

(b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.

(c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).

(3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance:

(a) for a first offense:

(i) shall be fined an amount not less than \$100 or more than \$300;

(ii) shall be ordered to perform 20 hours of community service; and

(iii) shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9);

(b) for a second offense:

(i) shall be fined an amount not less than \$200 or more than \$600;

(ii) shall be ordered to perform 40 hours of community service; and

(iii) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;

(c) for a third or subsequent offense:

(i) shall be fined an amount not less than \$300 or more than \$900;

(ii) shall be ordered to perform 60 hours of community service;

(iii) shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

(4) A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

(5) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in **41-5-103**. The youth court may enter its judgment under **41-5-1512**.

(6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined \$100 or imprisoned in the county jail for 10 days, or both.

(7) A conviction or youth court adjudication under this section must be reported by the court to the department of public health and human services if treatment is ordered under subsection (8).

(8) (a) A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.

(b) The assessment must be completed at a treatment program that meets the requirements of subsection (9) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

(c) The assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (9).

(d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

(e) Each counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.

(f) The court shall report to the department of public health and human services the name of any person who is convicted under this section. The department of public health and human services shall maintain a list of those persons who have been convicted under this section. This list must be made available on request to peace officers and to any court.

(9) (a) A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), (2)(a)(iii), or (3)(a)(iii) must be:

- (i) approved by the department of public health and human services under **53-24-208** or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
 - (b) An alcohol information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol treatment program:
 - (i) approved by the department of public health and human services under **53-24-208** or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
 - (c) A chemical dependency assessment required under subsection (8) must be completed at a treatment program:
 - (i) approved by the department of public health and human services under **53-24-208** or by a court or provided under a contract with the department of corrections; or
 - (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.
- (10) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.
- (11) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:
- (i) the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
 - (ii) the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or

(iii) the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

(b) For the purposes of this subsection (11), the following definitions apply:

(i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.

(ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service. (*See compiler's comments for contingent termination of certain text.*)

Montana Sanctions for Driving Under the Influence

MCA-61-8-401. Driving under influence of alcohol or drugs -- definitions.

(1) It is unlawful and punishable, as provided in **61-8-442**, **61-8-714**, and **61-8-731** through **61-8-734**, for a person who is under the influence of:

- (a) alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;
- (b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;
- (c) any other drug to drive or be in actual physical control of a vehicle within this state;
- (d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.

(2) The fact that any person charged with a violation of subsection (1) is or has been entitled to use alcohol or a drug under the laws of this state does not constitute a defense against any charge of violating subsection (1).

(3) (a) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

(b) Subject to **61-8-440**, as used in this part, "vehicle" has the meaning provided in **61-1-101**, except that the term does not include a bicycle.

(4) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood or breath drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

- (a) If there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol.
- (b) If there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the

influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person.

(c) If there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(5) The provisions of subsection (4) do not limit the introduction of any other competent evidence bearing upon the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(6) Each municipality in this state is given authority to enact **61-8-406, 61-8-408, 61-8-410, 61-8-411, 61-8-465, 61-8-714, 61-8-722, 61-8-731** through **61-8-734**, and subsections (1) through (5) of this section, with the word "state" in **61-8-406, 61-8-411, 61-8-465**, and subsection (1) of this section changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and of the imposition of the fines and penalties provided in the ordinance.

(7) Absolute liability as provided in **45-2-104** is imposed for a violation of this section.

MCA-61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- under influence of delta-9-tetrahydrocannabinol -- aggravated driving under the influence -- penalty for fourth or subsequent offense.

(1) Except as provided in subsection (3), if a person is convicted of a violation of **61-8-401, 61-8-406, 61-8-411**, or **61-8-465**, the person has either a single conviction under **45-5-106** or any combination of three or more prior convictions under **45-5-104, 45-5-205, 45-5-628(1)(e), 61-8-401, 61-8-406**, or **61-8-465**, and the offense under **45-5-104** occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in **61-8-401(1)**, the person is guilty of a felony and shall be punished by:

(a) sentencing the person to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 13 months or more than 2 years. The court shall order that if the person successfully completes a residential alcohol treatment program approved by the department of corrections, the remainder of the sentence must be served on probation. The imposition or execution of the sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and

(c) a fine in an amount of not less than \$5,000 or more than \$10,000.

(2) The department of corrections may place an offender sentenced under subsection (1)(a) in a residential alcohol treatment program approved by the department of corrections.

(3) If a person is convicted of a violation of **61-8-401, 61-8-406, 61-8-411**, or **61-8-465**, the person has either a single conviction under **45-5-106** or any combination of four or more prior convictions under **45-5-104, 45-5-205, 45-5-628(1)(e), 61-8-401, 61-8-406**, or **61-8-465**, and the offense under **45-5-104** occurred while the person was operating a vehicle while under the

influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in **61-8-401**(1), and the person was, upon a prior conviction, placed in a residential alcohol treatment program under subsection (2), whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or be fined an amount of not less than \$5,000 or more than \$10,000, or both.

- (4) The court shall, as a condition of probation, order:
 - (a) that the person abide by the standard conditions of probation promulgated by the department of corrections;
 - (b) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section;
 - (c) that the person may not frequent an establishment where alcoholic beverages are served;
 - (d) that the person may not consume alcoholic beverages;
 - (e) that the person may not operate a motor vehicle unless authorized by the person's probation officer;
 - (f) that the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;
 - (g) that the person submit to random or routine drug and alcohol testing; and
 - (h) that if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system.
- (5) The sentencing judge may impose upon the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:
 - (a) payment of a fine as provided in **46-18-231**;
 - (b) payment of costs as provided in **46-18-232** and **46-18-233**;
 - (c) payment of costs of assigned counsel as provided in **46-8-113**;
 - (d) community service;
 - (e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or
 - (f) any combination of the restrictions or conditions listed in subsections (5)(a) through (5)(e).
- (6) Following initial placement of a defendant in a treatment facility under subsection (2), the department of corrections may, at its discretion, place the offender in another facility or program.
- (7) The provisions of **46-18-203**, **46-23-1001** through **46-23-1005**, **46-23-1011** through **46-23-1014**, and **46-23-1031** apply to persons sentenced under this section.

Montana Sanctions - Criminal Possession and Distribution of Dangerous Drugs

MCA-45-9-101. Criminal distribution of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug, as defined in **50-32-101**.

(2) A person convicted of criminal distribution of a narcotic drug, as defined in **50-32-101(19)(d)**, or an opiate, as defined in **50-32-101**, shall be imprisoned in the state prison for a term of not less than 2 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(3) (a) A person convicted of criminal distribution of a dangerous drug included in Schedule I or Schedule II pursuant to **50-32-222** or **50-32-224**, except marijuana or tetrahydrocannabinol, who has a prior conviction for criminal distribution of such a drug shall be imprisoned in the state prison for a term of not less than 10 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(b) Upon a third or subsequent conviction for criminal distribution of such a drug, the person shall be imprisoned in the state prison for a term of not less than 20 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(c) The exception for marijuana or tetrahydrocannabinol in subsection (3)(a) does not apply to synthetic cannabinoids listed as dangerous drugs in **50-32-222**.

(4) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in subsection (2), (3), or (5) shall be imprisoned in the state prison for a term of not less than 1 year or more than life or be fined an amount of not more than \$50,000, or both.

(5) A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall be sentenced as follows:

(a) If convicted pursuant to subsection (2), the person shall be imprisoned in the state prison for not less than 4 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(b) If convicted of the distribution of a dangerous drug included in Schedule I or Schedule II pursuant to **50-32-222** or **50-32-224** and if previously convicted of such a distribution, the person shall be imprisoned in the state prison for not less than 20 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(c) If convicted of the distribution of a dangerous drug included in Schedule I or Schedule II pursuant to **50-32-222** or **50-32-224** and if previously convicted of two or more such distributions, the person shall be imprisoned in the state prison for not less than 40 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(d) If convicted pursuant to subsection (4), the person shall be imprisoned in the state prison for not less than 2 years or more than life and may be fined not more than \$50,000, except as provided in **46-18-222**.

(6) Practitioners, as defined in **50-32-101**, and agents under their supervision acting in the course of a professional practice are exempt from this section.

MCA-45-9-102. Criminal possession of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in **50-32-101**.

(2) A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish is, for the first offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 6 months. The minimum fine must be imposed as a condition of a suspended or deferred sentence. A person convicted of a second or subsequent offense under this subsection is punishable by a fine not to exceed \$1,000 or by imprisonment in the county jail for a term not to exceed 1 year or in the state prison for a term not to exceed 3 years or by both. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in **50-32-222**.

(3) A person convicted of criminal possession of an anabolic steroid as listed in **50-32-226** is, for the first offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not more than 6 months, or both.

(4) A person convicted of criminal possession of an opiate, as defined in **50-32-101**, shall be imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined not more than \$50,000, except as provided in **46-18-222**.

(5) (a) A person convicted of a second or subsequent offense of criminal possession of methamphetamine shall be punished by:

(i) imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; or

(ii) commitment to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed \$50,000.

(b) During the first 3 years of a term under subsection (5)(a)(ii), the department of corrections may place the person in a residential methamphetamine treatment program operated or approved by the department of corrections or in a correctional facility or program. The residential methamphetamine treatment program must consist of time spent in a residential methamphetamine treatment facility and time spent in a community-based prerelease center.

(c) The court shall, as conditions of probation pursuant to subsection (5)(a), order:

(i) the person to abide by the standard conditions of probation established by the department of corrections;

- (ii) payment of the costs of imprisonment, probation, and any methamphetamine treatment by the person if the person is financially able to pay those costs;
- (iii) that the person may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;
- (iv) that the person may not consume alcoholic beverages;
- (v) the person to enter and remain in an aftercare program as directed by the person's probation officer; and
- (vi) the person to submit to random or routine drug and alcohol testing.

(6) A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$50,000, or both.

(7) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

(8) Ultimate users and practitioners, as defined in **50-32-101**, and agents under their supervision acting in the course of a professional practice are exempt from this section.

MCA-45-9-103. Criminal possession with intent to distribute. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug as defined in **50-32-101**.

(2) A person convicted of criminal possession of an opiate, as defined in **50-32-101**, with intent to distribute shall be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided in **46-18-222**.

(3) A person convicted of criminal possession with intent to distribute not otherwise provided for in subsection (2) shall be imprisoned in the state prison for a term of not more than 20 years or be fined an amount not to exceed \$50,000, or both.

(4) Practitioners, as defined in **50-32-101**, and agents under their supervision acting in the course of a professional practice are exempt from this section.

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Drug/Substance	Amount	Penalty - 1st Conviction
Barbiturates	Any amount	Up to 5 years prison. Fine up to \$250,000
Cocaine	5 kgs. or more	Not less than 10 years prison, not more than life. Fine up to \$4 million

	Less than 100 grams	10-63 months prison. Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	10-63 months prison. Fine up to \$1 million
Ecstasy	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
GHB	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
Hashish	10-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	10 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Hash Oil	1-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	1 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Heroin	1 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	100 grams or less	10-63 months prison. Fine up to \$1 million
Ketamine	Any amount	Up to 5 years imprisonment. Fine up to \$250,000. 2 years supervised release
LSD	10 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	1-10 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
Marijuana	1000 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 kg	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	50-99 kg	Up to 20 years imprisonment. Fine up to \$1 million
	50 kg or less	Up to 5 years imprisonment. Fine up to \$250,000

Methamphetamine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months prison. Fine up to \$1 million
PCP	100 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-99 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months prison. Fine up to \$1 million
Rohypnol	1 gram or more	Up to 20 years imprisonment. Fine up to \$1 million
	less than 30 mgs	Up to 5 years imprisonment. Fine up to \$250,000

Federal Drug Possession Penalties (21 USC 844)

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- A. It is a first conviction and the amount of crack possessed exceeds 5 grams;
- B. It is a second conviction and the amount of crack possessed exceeds 3 grams;
- C. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Health Risks of Commonly Abused Substances

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Alcohol		slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing , vomiting, breathing difficulties, unconsciousness, coma, blackouts,	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility Increased rate of breathing, muscle spasms and convulsions. dilated pupils disturbed sleep,	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage

Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, “heavy” arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Ketamine	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity , increased confusion, increased depression, physical dependence, psychological dependence
LSD	acid, stamps, dots, blotter, A-bombs	dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence
MDMA	ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, confusion, blurred vision, teeth clenching, depression,	same as LSD, sleeplessness, nausea, confusion, increased blood pressure,

		anxiety, paranoia, sleep problems, muscle tension	sweating , depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions death, physical dependence, psychological dependence
Marijuana/Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Mescaline	peyote cactus	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature,	lasting physical and mental trauma, intensified existing psychosis, psychological dependence
Morphine/Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	euphoria, increased body temperature, dry mouth, “heavy” feeling in arms and legs	constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence
PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea,	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts,

		vomiting, blurred vision, delusions, paranoia, disordered thinking	psychosis, physical dependence, psychological dependence
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn	nausea, distorted perceptions, nervousness, paranoia,	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,
Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

Prevention and Education

Through the offices of Montana Western Wellness and Student Counseling, a variety of individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse are offered to the University of Montana Western Community. As mandated by the Drug-Free Schools and Campuses Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted.

In accordance with Americans with Disabilities Act of 1990, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the University. Further, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the University or be subjected to discrimination by the University.