

## MUHLENBERG COLLEGE STUDENT ALCOHOL POLICY

The following policy has been established in an effort to promote a balance between the interests of the student and those of the Muhlenberg College community, and to encourage responsible decisions about alcohol. We are committed to the ongoing development of a community based on respect for the individual and compliance with the policies of the College and the laws of the city, commonwealth and nation. One's presence at Muhlenberg College requires compliance with the laws and standards of behavior of the community.

The goal of the alcohol policy is to foster alcohol awareness and responsible drinking practices and promote the health and safety of Muhlenberg College students. Muhlenberg College seeks to encourage a campus social life that does not emphasize the role of alcoholic beverages in either private or group activities. Within this community, the College will attempt to take reasonable steps to insure that no illegal or excessive consumption of alcohol occurs on its property or at its institutionally sponsored activities. Only the Dean of Students may grant exceptions to this policy.

### Regulations Regarding Personal Alcohol Use

The regulations contained in this policy apply to all students. Muhlenberg's Student Alcohol Policy is in effect throughout the calendar year.

1. Alcohol may not be consumed and alcohol containers may not be possessed anywhere on campus or at any College function by anyone who is under the legal drinking age.
2. It is a violation of the Student Alcohol Policy for anyone to possess or use any item (beer bong, tap device, Beirut table, funnel, etc.) that could lead to the excessive consumption of alcohol.
3. Individual consumption of alcoholic beverages by persons of legal age is permitted only in private sleeping rooms and suites in residence halls and properties leased or owned by the College. Those who do consume alcoholic beverages in their residence are expected to do so in a manner that is not excessive and that recognizes the rights of others to utilize these locations for other activities such as studying.
4. In MILE properties and suite-styled residences where all residents are 21 years of age or older, those residents may consume alcohol in the common area of their residence.
5. Campus advertising of a social event may not mention alcoholic beverages, including drink specials, happy hours, etc. If an event has been designated BYOB, the advertising may identify this fact.
6. Public intoxication, including alcohol-induced disorderly conduct, property destruction, intimidation, or other infringement upon the rights or privacy of others will not be tolerated. Furnishing alcohol (on campus or at any College function off-campus) to persons, who appear to be intoxicated, is prohibited.
7. In accordance with the laws of the City of Allentown, no open containers of alcohol are allowed in public places. Further, the College prohibits open containers outside of closed areas designated for a social event.
8. The possession or use of alcohol at College sports events or in athletic or recreation areas is prohibited.
9. No student shall operate a motor vehicle while under the influence of alcohol.
10. No student shall possess an identification card falsely identifying that student as being 21 years of age or older or provide another student with an identification card falsely identifying that student as being 21 years of age or older.
11. No one shall be permitted to sell alcoholic beverages or alcoholic beverage tickets, to raffle the sale of beverages as prizes or to engage in any activity including but not

- limited to the sale of admission tickets, which may reasonably be construed as a sale or indirect sale of such beverages.
12. The purchase, storage, or use of a bulk quantity or a common source of alcoholic beverages, such as kegs, party balls, or cases is prohibited.
  13. Except as otherwise provided in these regulations, no person shall furnish alcoholic beverages to others on campus or at any College function.
  14. In accordance with state laws, religious uses of wine are exempt from age limitations.
  15. The sale, purchase, possession, and use of an alcohol vaporizing device are prohibited. An "alcohol vaporizing device" means any device, machine, or process which mixes spirits, liquors or other alcohol products with oxygen or any other gas to produce a vaporized product for consumption by inhalation.

**State and Local Laws Concerning Alcohol**

The following summary is provided to promote increased awareness of the Pennsylvania laws concerning alcoholic beverages. This summary is not intended to be a restatement of the law nor a summary of all of the laws relating to alcoholic beverages. All Muhlenberg College students are responsible for compliance with the state laws governing the use of alcohol.

According to Pennsylvania law, the following actions involving alcohol are illegal and bring with them the penalty listed:

**Action:** Purchase, consumption, possession or transportation of liquor by a person under twenty-one years old.

**Penalty:** First Offense: \$300 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$500 fine and suspension of driving privileges for one year (2nd violation) or two years (three or more violations). Parents are notified of all arrests of minors.

**Action:** Misrepresentation of age to secure liquor.

**Penalty:** First Offense: \$300 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$500 fine and suspension of driving privileges for one year (2nd violation) or two years (three or more violations). Courts are **not** permitted to suspend sentences.

**Action:** Possession of a false identification card.

**Penalty:** First Offense: \$300 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$500 fine and suspension of driving privileges for one year (2nd violation) or two years (three or more violations.) Courts are not permitted to suspend sentences. Parents are notified of all arrests.

**Action:** Selling or furnishing liquor to minors. (Furnish means to supply, give, or provide to, or to allow a minor to possess on premises or property owned or controlled by the person charged.)

**Penalty:** First Offense: \$1000 fine. Subsequent Offenses: \$2500 fine. Courts are not permitted to reduce sentencing.

**Action:** Manufacture and/or sale of a false identification card.

**Penalty:** First Offense: \$1000 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$2500. Courts are **not** permitted to suspend sentences.

**Action:** Representing that a minor is of age.

**Penalty:** Fine of no less than \$300 and no greater than \$2500.

**Action:** Inducing a minor to purchase liquor.

**Penalty:** Fine of no less than \$300 and no greater than \$2500. Courts are **not** permitted to suspend or reduce sentences.

Regarding alcohol and driving a motor vehicle, according to Pennsylvania law, it is illegal to operate a motor vehicle:

1. while under the influence of alcohol and/or any controlled substance rendering a person incapable of safe driving;

1. **Education.** We have programs beginning with the orientation of first year students and continuing throughout each academic year. This education includes the Healthy Lifestyle course and other educational programs throughout the year, and focused educational programs such as "Choices" and "Decisions" programs for students who violate Student Alcohol Policy.
2. **Counseling.** We offer counseling programs for students that have alcohol or other substance abuse problems. These include both on-campus counseling services and referral to off-campus experts.
3. **Discipline.** There are consequences for individuals who violate the College or Commonwealth alcohol policies.
4. **Process.** The College has well-established procedures to be used at student organization events where alcohol is served.

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**Alcohol Awareness**

Muhlenberg College is committed to providing students, faculty, and staff with factual information about alcohol as well as confidential referrals for professional assistance in the event that they are needed. An awareness of the negative effects of alcohol consumption may assist you in your efforts to make safe and responsible choices about alcohol. Educational programs will be organized and conducted annually to promote continued awareness and encourage an attitude of genuine concern and care for others. Information concerning responsible use, effective party planning, indications of abuse or addiction, and resources for assistance are available for you or someone you care about in the Counseling and Student Health Center.

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**Violations of the Student Alcohol Policy**

Students found in violation of the Muhlenberg College Student Alcohol Policy, Pennsylvania Laws and/or city ordinances will be subject to disciplinary action at the discretion of the Dean of Students. Each case will be handled individually and considered on its own merits, with consideration given to the severity of misconduct as well as prior violations.

The Dean of Students reserves the authority to exercise discretion in all disciplinary matters, giving consideration to the particular circumstances. In general, the College reserves the authority to require the withdrawal from the College of any student whose continuing presence constitutes a risk to the health, safety, or general well-being of the College community or himself/herself. These procedures do not take the place of criminal prosecution.

**Enforcement**

**First Offense:** 48 hours mandatory minimum incarceration to a maximum of 23 months, minimum \$300 in court costs to a maximum of \$5,000, up to one year in jail, mandatory driving school attendance.

**Second Offense (within 7 years):** 30 days mandatory minimum incarceration to a maximum of 23 months, minimum \$300 in court costs to a maximum of \$5,000, up to one year in jail, mandatory driving school attendance.

**Third and Subsequent Offenses (within 7 years):** incarceration to a maximum of 47 months, minimum \$300 in court costs to a maximum of \$10,000, up to one year in jail, mandatory driving school attendance.

**Habitual offender status:** Three major offenses within 5 years is an additional 5 years loss of license.

In addition, certain counties and municipalities may impose other sanctions including community service, Accelerated Rehabilitative Disposition (ARD), and the Guardian Interlock Device.

2. while the amount of alcohol by weight in blood of .08 for adults or .02 for minors (under 18 years of age).

5. **Alternative Lifestyle.** We encourage a lifestyle that does not include alcohol abuse by providing and encouraging alcohol-free organizations and social activities.

**Requirements for Student Club and Organization Events that Include Alcohol**

*Student clubs and organizations desiring to host an organization-sponsored event at which alcohol will be available must attend a two-hour event management workshop prior to the scheduling of the event.* The workshop will review with club members the requirements for providing alcohol, the obligations of the host organization and other requirements to manage the risk associated with such an event.

**General requirements for hosting events that include alcohol**

1. All events at which alcohol will be made available must utilize a College approved third party vendor for the distribution of beverages.
2. Social events at which alcohol is being served may only occur between 3:30 p.m. Friday and 2:00 a.m. Sunday. There will be no alcohol served or present at events during the first two (2) weeks of the fall semester.
3. The availability of alcohol at an event location may last a maximum of four (4) hours. The service of alcohol must cease one half-hour (30 minutes) before the end of the four-hour service period. Sponsoring groups are permitted to register only one event with alcohol on a given date.
4. The sponsoring organization is responsible for providing appealing and adequate food and non-alcoholic beverages for the duration of the event. Breads, meats, cheeses, vegetables, brownies, pizzas, subs, etc. are considered appropriate foods; chips and pretzels are not! The Muhlenberg College Dining Services (x3488) provides a variety of social event snack menus for purchase by sponsoring organizations.
5. The event sponsor is required to provide adequate College approved third party security for an event.
6. Alcoholic drinks must be limited to beer, wine, or wine coolers in quantities appropriate for personal consumption. Hard liquor and mixed drinks are prohibited.

**Violations by Student Clubs or Organizations**

Student organizations found by the campus judicial process to have violated the student alcohol policy shall, at a minimum, be subject to the following sanctions. Other, more serious disciplinary measures may also be taken, at the discretion of the Dean of Students, where warranted.

**Social Probation:** A status between "good standing" and social suspension during which subsequent violations of the alcohol policy will lead to more severe sanctions.

**Social Suspension:** A period during which an organization may not sponsor any social events, on or off campus, where alcohol is present.

**Recognition Probation:** A period of review during which an organization will be notified of specific concerns and must comply with requests for remediation by a specific date.

**Recognition Suspension:** A period during which an organization is no longer recognized by or registered with Muhlenberg College; is not entitled to the benefits, services and programs afforded recognized student organizations; and may not use Muhlenberg College's name.

## MUHLENBERG COLLEGE DRUG USE AND CONTROLLED SUBSTANCE POLICY

Muhlenberg College recognizes that the use of drugs is a serious problem in American society today. (Drug use includes an array of activities ranging from the casual consumption of alcohol at a cocktail party to the addictive use of hard drugs). As a church-related, liberal arts College which is concerned for the welfare of the individual student, Muhlenberg has the obligation to educate its students to the dangers of drugs. When a student uses drugs, the College makes every effort through counseling and referrals to assist that person to gain the help that he or she might need to live a life free of drug dependencies. Consistent with its concern for the welfare of its students, moreover, the College will not tolerate the illegal distribution of drugs on campus. When it becomes aware that students are using or distributing illegal drugs, the College reserves the right to contact those local, state and federal officials charged with enforcing state and federal drug laws.

The College's response to drug use on campus may, therefore, take one or more of the following forms: referral to counseling or psychiatric services, internal disciplinary action or referral to law enforcement officials. First, Muhlenberg recognizes that the use of drugs can seriously affect an individual's health, personal relationships and his or her ability to function in a competitive academic environment. In many cases the sustained use and abuse of controlled substances are symptoms of emotional problems which require referral to medical and psychological professionals. When the College becomes aware that an individual is using drugs, it reserves the right, following consultation with the student, to make referrals and to consult the student's family regarding the problem.

Second, since behavioral problems may arise as a result of drug use, as per Title 35 of the Pennsylvania Crimes Code, the essential provisions of which are printed below, (Students who possess, use, or distribute drugs or drug paraphernalia are, therefore, subject to College disciplinary action including possible suspension or expulsion). The College cannot tolerate behavior which is harmful to the individual; infringes upon the rights of others; or which the College deems detrimental to the welfare of an academic community. In general, the College reserves the authority to require the withdrawal from the College of any students whose activities or continuing presence constitutes a risk to the health, safety, or the general well-being of the College community or to himself/herself.

Third, students who violate Pennsylvania or federal laws are also subject to prosecution in the local, state, and federal courts. If the College becomes aware of the distribution on campus of illegal drugs, it reserves the right to contact authorities and to cooperate with them in bringing to justice the person or persons involved. The College will not serve as a haven for illegal activity of any sort. As citizens of the United States and as adults in the Commonwealth of Pennsylvania, Muhlenberg students are legally responsible for their acts.

The Dean of Students reserves the authority to exercise discretion in all disciplinary matters, giving consideration to the particular circumstances. These procedures do not take the place of criminal prosecution.

If any device (i.e. hookah, pipe, bong, etc.) is suspected of being used for drug use, the device will be confiscated and tested. If a hookah is clear of any drug substance, it will be released to the owner.

In order to inform students of the terms of Pennsylvania law, relevant sections of the Pennsylvania Crimes Code, Title 35 follow:

**1. Schedules of Controlled Substance (Section 4)**

The law recognizes five categories of controlled substances ranging from the most dangerous listed in Schedule I to the least dangerous listed in Schedule V.

**Schedule I** - selected opiates and opium derivatives such as heroin; hallucinogens such as LSD; and marijuana. Note: Although the law no longer classifies marijuana as a narcotic, it still lists it as a controlled substance under Schedule I.

**Schedule II** - opium; amphetamine; coca leaves; and methadone.

**Schedule III** - selected substances which have a depressant effect on the central nervous system such as barbituric acid.

**Schedule IV** - selected substances which have a depressant effect on the central nervous system but which have a lower potential for abuse relative to substances in Schedule III, e.g., Phenobarbital.

**Schedule V** - substances such as cough syrup which may contain limited quantities of a narcotic but which also include one or more non-narcotic medicinal ingredients which confer upon the substance valuable medicinal qualities other than those possessed by the narcotic alone.

**2. Prohibited Acts; Penalties (Section 13)**

- a. **Clause 1** - the manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance, other drug, device or cosmetic that is adulterated or misbranded. (Punishable by imprisonment not exceeding one year or by payment of a fine not exceeding \$5,000 or both.)
- b. **Clause 12** - The acquisition or obtaining or possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. (Punishable by imprisonment not exceeding one year or by payment of a fine not exceeding \$5,000 or both.)
- c. **Clause 16** - Knowingly or intentionally possessing a controlled substance by a person not registered under the act except through valid prescription order. (Punishable by imprisonment not exceeding one year or by payment of a fine not exceeding \$5,000 or both.) Note: A second conviction for acts described in Clauses 1, 12 and 16 carries a maximum prison sentence of three years, or a maximum fine of \$25,000 or both.
- d. **Clause 30** - The manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under the act. (The severity of the penalty varies according to the substance involved. The maximum penalty is for narcotics and consists of imprisonment not exceeding fifteen years or of a fine not exceeding \$250,000 or both.)
- e. **Clause 31** - The possession of a small amount of marijuana only for personal use; the possession of a small amount of marijuana with the intent to distribute it but not to sell it; the distribution of a small amount of marijuana but not for sale. The act defines a "small amount of marijuana" as 30 grams of marijuana and eight grams of hashish. (Punishable by imprisonment not exceeding 30 days or by fine not exceeding \$500 or both)
- f. **Clause 32** - The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act.
- g. **Clause 33** - The delivery of, possession with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it would be used to plant, propagate, cultivate,

grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this act.

- h. **Clause 34** - The placing in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part is to promote the sale of objects designed or intended for use as drug paraphernalia.

**Contact: Robert Gerken, Director of Campus Safety, 484-664-3112**

## MUHLENBERG COLLEGE ELECTRONIC COMMUNICATIONS AND INFORMATION TECHNOLOGY ACCESS POLICY

(Approved July 2000 - Last Updated March 2008)

The electronic communication System of Muhlenberg College is to be used primarily for purposes consistent with carrying out the College's educational mission. Examples of this System include, but are not limited to, the central computing facilities, the campus-wide network, local-area networks, attached computers and systems, stored programs and data, electronic mail, newsgroups, access to the internet, the College telephone facilities including video and, departmental networks, campus web, and the public learning facilities and related services, including Third Party mobile computers.

Other users utilize System for nonapproved use in the building.

This policy applies to all users of this System including, but not limited to, faculty and visiting faculty, staff, managers, students, guests of the management team, and external organizations and individuals accessing external services, such as the Internet and library systems. At Muhlenberg's electronic communication system.

Under Above defines user for subsequent use in the policy.

By using this System, users agree to the policy contained herein.

Electronic mail and Internet may be used for personal communication, but this may not have priority over extended business and academic work. Priority for using this System will always be given to members of the college community. Because the College cannot guarantee the privacy of messages it transmits using the System or Internet through the system or through the internet, users of the System are sending confidential or sensitive messages information is guaranteed. Users must recognize that their personal, confidential and work related information may be a consequence of reliance on the system of electronic messaging in distributed computing or other systems.

Users must be aware of the following guidelines:

Users of the College's System should not disclose their passwords to others. Passwords for the system should be kept in a secure place and not be accessed by anyone other than the user to whom they are assigned. All stored files