discipline system.
   The Judicial Advisory Board shall consist of the following members: Associate Dean of Student Affairs (chair); the Director of Student Involvement and Leadership Development; two (2) faculty or professional staff members; one (1) Administrative Hearing Officer; and two (2) students appointed by the President of SGA. The Judicial Advisory Board will meet at least once each semester.

IX. Student Arrests
   Students at Framingham State are expected to abide by local, state, and federal laws in addition to the University’s Code of Conduct. While University regulations are not meant to duplicate general laws, there are some ways in which the lawful interest of the University community coincides with the broader public interests of the general laws. Therefore, students who commit criminal offenses against local, state, or federal laws are also subject to University disciplinary action when their conduct violates University standards on-campus, at off-campus University-related activities, or directly impact, other members of the Framingham State community.

Alcohol Policy

I. Philosophy
   Framingham State provides opportunities for both academic and social development. Informed and considerate decision-making is an important aspect of that development. When making decisions about the use or non use of alcoholic beverages, it is important to remember that the consumption of alcoholic beverages is a privilege, which can and will be denied.

II. Policy
   A. General Policies and Procedures
   1. Functions sponsored by faculty, staff, and recognized campus organizations may be attended only by the members of the Framingham State community and their guests.
   2. The sponsoring organization, individual, or office will be held responsible for ensuring compliance with state and local laws.
   3. Registered student clubs wishing to sponsor events which involve the sale and/or consumption of alcoholic beverages shall proceed through the Office of Student Involvement and Leadership Development and under the authority of the Dean of Students, or designee.
   4. Scheduling of functions by faculty and/or staff which involve the sale and/or consumption of alcoholic beverages must be approved by the appropriate area Vice President.
   5. Alcoholic beverages shall be prohibited from the classroom unless there is prior approval by the Vice President of Academic Affairs, or designee.
   6. Whenever alcoholic beverages are served, it is expected that servers distributing alcoholic beverages check proper identification to ensure that all those consuming alcoholic beverages are of legal drinking age. Server arrangements for on campus events must be made with, and supervised by, the Office of Campus Events.
   7. Sufficient food and alternative nonalcoholic beverages must be made available in proportion to the total number of people in attendance.
   8. All groups authorized to use Framingham State facilities must comply with the Alcohol Policy of the University.
   9. Alcoholic beverages cannot be used as gifts or prizes at any University-sponsored event or activity.
   10. Individual students or guests may not possess or consume alcoholic beverages, except as allowed at sanctioned campus events.
   11. Public intoxication is prohibited. Public intoxication is defined as an intoxication which causes a disturbance or is dangerous to self, others, and/or property, or in any way requires the attention of University staff.
   12. The purchasing of alcoholic beverages for students under 21 years of age is in violation of the State Law and University Alcohol Policy

B. Guidelines for Distribution and Marketing of Alcoholic Beverages
   1. Alcoholic beverage marketing programs specifically targeted for students and/or held on campus grounds should conform to the General Student Conduct Code of the University and should avoid demeaning, sexual, or discriminatory portrayal of individuals.
   2. Promotion of alcoholic beverages should not encourage any form of alcohol abuse nor should it place emphasis on quantity or frequency of use. The consumption of beer, wine, or distilled spirits should not be the sole purpose of any optional activity. Principles of good hosting should be observed including the availability of alternative non-alcoholic beverages, food, and planned programs.
   3. No uncontrolled sampling or other promotional activities, including “drinking contests,” will be permitted as a part of any campus marketing programs.
   4. Promotional activities should not be associated with otherwise existing programs without prior knowledge and consent of the Dean of Students or designee.
   5. Display or availability of promotional material should be determined in consultation with the Dean of Students, or designee.
   6. Informational marketing programs should have educational value and subscribe to the philosophy of responsible decision-making and legal use of the products represented.
   7. Alcoholic beverage marketers should support campus alcohol awareness programs that encourage informed and responsible decision-making.
   8. If permitted, alcoholic beverage advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.
   9. Advertising and other promotional campus activities should not associate alcohol consumption with the performance of tasks that require skilled
reactions such as the operation of a motor vehicle or machinery.

C. D. Justin McCarthy Center
1. Non-student groups may order alcohol services through the Office of Campus Events.
2. For alcohol sales in the College Center, special one-day licenses may be granted. Please consult the Office of Campus Events for more information.
3. Appropriate staffing by police detail will be required. Service will be carried out by trained alcohol servers hired by the University personnel.
4. No organization is permitted to bring its own alcoholic beverages into the McCarthy Center for the purpose of sale, distribution, or consumption.
5. In instances where a one-day special license has been applied for and granted through the Town, all policies are in effect as specified in these sections (A through C).

D. Residence Halls
1. The Dean of Students has the responsibility for granting any privileges regarding alcohol consumption in the residence halls. At the present time, students may not possess or consume alcoholic beverages beyond the threshold of the outside entrance door into the residence halls.
   a. Any alcohol that is brought past the front doors will be confiscated and not returned if it is determined in a hearing that there was unlawful possession. Small amounts of alcohol may be thrown away.
   b. A nonstudent guest whose alcohol is confiscated will be asked to leave campus. The guest will receive a letter explaining that his or her presence will not be allowed on the campus without written permission from the Dean of Students or designee.
2. Residents and their guests are not permitted to have alcohol in the residence halls, with the exception of Residence Directors.
3. Alcohol policy violation sanctions are cumulative and will be imposed through a student’s career at the University and not per academic year.

E. Minimum sanctions for violation of Alcohol Policy
1. First Violation
   a. Successfully complete the alcohol education and assessment program with Health Center. Restitution will be required for the alcohol education and assessment program, not to exceed $50, and payable prior to completion of sanction.
   b. For resident students: One (1) week restriction from all residence halls. At the discretion of the judicial hearing officer, resident students may receive the option of a $175 charge in lieu of restriction from residence halls. The option of paying a charge will not be available in cases where the alcohol policy violation requires intervention by Campus Police or other emergency personnel. For commuter students: Minimum five (5)-week guest restriction from residence halls.
   c. One (1) week restriction from participation, on or off campus, in:
      • varsity or club sport athletic contests,
      • performances or exhibits on campus or at University sponsored events
      • participation in official leadership roles in student or residence hall organizations and campus governance committees.
   d. One (1) calendar year of Disciplinary Warning and Residential Review.
   e. Parental/guardian notification at the discretion of the Dean of Students, or designee, for students under 21 years of age at the time of notification.

Second Violation
a. Five (5) week restriction from all residence halls. For commuter students: Sixteen (16) week guest restriction from all residence halls.
b. Five (5) week restriction from participation, on or off campus, in:
   • varsity or club sport athletic contests,
   • performances or exhibits on campus or at University sponsored events,
   • participation in leadership roles in student or residence hall organizations and campus governance committees.
c. Required substance abuse assessment by a substance abuse therapist approved by the Dean of Students. Student will be required to adhere to all written recommendations. Restitution will be required for the substance abuse assessment not to exceed $100, and payable prior to completion of the sanction.
d. Disciplinary Probation that replaces the remainder of the Disciplinary Warning, plus one (1) additional calendar year of Disciplinary Probation and Residential Review.
e. Parental/guardian notification at the discretion of the Dean of Students, or designee, for students under 21 years of age at the time of notification.

Third Violation
a. Suspension from the University for a period of not less than sixteen (16)-weeks.
b. Required substance abuse assessment, evaluation and treatment plan with a substance abuse therapist approved by the Dean of Students, or designee, required to be eligible for re-admittance to the University.
c. Parental/guardian notification at the discretion of the Dean of Students for students under 21 years of age at the time of notification.

F. Pertinent Laws
1. Town of Framingham Policy Regarding Alcohol:
   No person shall drink any alcoholic beverages as defined in Chapter 138, Section I of Massachusetts General Laws while on, in, or upon any public way, or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner.
or person in control thereof. All alcoholic beverages being used in violation of the By-laws shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession. Approval by the Attorney General, July 15, 1974. Published July 22, 23, 24, 1974.

2. Laws of the Commonwealth

The following statements are derived from the Commonwealth restricting the procurement and sales of alcoholic beverages to persons twenty-one years of age and older as generally set forth.

a. No person or group may sell alcoholic beverages without an appropriate license granted by the Commonwealth through the Framingham Board of Selectmen. M.G.L.A., c. 138, sec. 2.

b. No person shall disturb the peace in any way while intoxicated. M.G.L.A., c. 138, sec. 2.

c. No person shall drive a motor vehicle while under the influence of alcoholic beverages. M.G.L.A., c. 90, sec. 24, 2(a).

d. No person or group shall otherwise procure or purchase alcoholic beverages for purpose of consumption by a person under twenty-one years unless the acquiring person is the spouse, parent, or guardian of the person under twenty-one.

e. A person under twenty-one years of age shall not use the licenses of another, or alter or deface such a card, and shall not knowingly transport or carry on his or her person any alcoholic beverages, unless accompanied by a spouse, parent, or guardian. M.G.L.A., c. 138, sec. 34B and 34C.

f. No person shall be served alcohol without the appropriate ID, that being a valid state driver’s license or a valid U.S. Passport. According to the Massachusetts General Laws Amended, Chapter 138, section 34A, or the Liquor Control Act, any person under 21 years of age who purchases alcoholic beverages, who procures alcoholic beverages in any way, who willfully misrepresents his or her age, who alters, who defaces, who falsifies his or her identification with intent to purchase alcoholic beverages, shall be punished by fine up to $300.00.

3. Outline of the Laws for Driving Under the Influence of Alcohol

Melanie’s Law

“Melanie’s Law” was signed into law on October 28, 2005. Its purpose is to enhance the penalties and administrative sanctions for Operating Under the Influence (OUI) offenders in Massachusetts. The information below highlights the new penalties under the law and those sections that pertain to RMV suspensions.

Operating Under the Influence of Alcohol While Already Suspended for OUI

Melanie’s Law establishes a new offense of Operating Under the Influence of Alcohol and Operating After Suspension for Drunk Driving. This means that a driver, who was driving under the influence of alcohol while his/her license was already suspended for OUI, can be charged with two crimes at once: 1.) OUI and 2.) OUI with a suspended license. This additional offense carries a minimum of a 1-year mandatory jail sentence.

New Law

OUI while operating after a suspension for a previous OUI offense

Penalty

1-year minimum mandatory sentence – 2½ years imprisonment in a house of correction and a fine of $2,500 - $10,000.

Loss of License

1 year license suspension

Employing or Allowing an Unlicensed Operator to Operate a Motor Vehicle

Melanie’s Law has defined the penalties for allowing or employing an unlicensed driver (including relatives, friends, or known acquaintances) to operate a Motor Vehicle.

New Law

No person shall employ an individual with a suspended license as a motor vehicle operator.

Penalty

1st Offense = up to a $500 fine
2nd Offense = up to 1 year imprisonment in a house of correction and/or a fine up to $1000

Loss Of License

License and/or registration suspension up to 1 year

New Law

No person shall allow a vehicle owned by him/her or under his/her control to be operated by an unlicensed person

Penalty

1st Offense = 1 year imprisonment in a house of correction and a fine of not more than $500
2nd Offense = 2½ years imprisonment in a house of correction and/or a fine of up to $1000

Loss Of License

License and/or registration suspension up to 1 year

New Law

No person shall allow an individual with an Ignition Interlock restriction to operate a vehicle not equipped with the device

Penalty

1st Offense = 1 year imprisonment in a house of correction and a fine of up to $500
2nd Offense = up to 2½ years imprisonment in a house of correction and/or a fine of up to $1000
**Loss Of License**
License and/or registration suspension up to 1 year

**Child Endangerment While Operating a Motor Vehicle Under Influence of Alcohol**
Melanie’s Law creates a new crime of Operating a Motor Vehicle Under the Influence of Alcohol With a Child 14 Years of Age or Younger in the Vehicle. This means that a driver can be charged with two crimes at once: 1.) OUI and 2.) Child Endangerment While OUI.

**New Law**
Operating a motor vehicle under the influence of alcohol with a child 14 years of age or younger in the vehicle

**Penalty**
1st Offense = 90 days – 2 ½ years imprisonment in a house of correction, and a $1,000-$5,000 fine.
2nd Offense = 6 months – 2 ½ years in a house of correction and a fine of $5000 - $10,000, or 3-5 years in a state prison

**Loss of License**
1st Offense = 1 year license suspension
2nd Offense = 3 year license suspension

**Registration Cancellation**
Melanie’s Law allows the Registry to cancel the registration plates of anyone convicted of a 3rd or subsequent alcohol-related driving offense for the duration of the suspension period.

**Vehicle Forfeiture**
Melanie’s Law allows a District Attorney to seek forfeiture of a motor vehicle for any defendant convicted of a 4th or subsequent alcohol-related driving offense.

**Chemical Test Refusal or Failure**
Melanie’s Law eliminates the allowance of a 15-day temporary license. In addition, the operator’s vehicle will be impounded for 12 hours. The license suspension periods for refusing a chemical test have increased as well. See the suspension table below and on the next page

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**License Suspension Periods for Refusing a Chemical Test**

<table>
<thead>
<tr>
<th>Drivers over age 21</th>
<th>LICENSE SUSPENSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Prior OUI Offenses</td>
<td>180 Days</td>
</tr>
<tr>
<td>Prior OUI Offenses</td>
<td>3 Years</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drivers under age 18</th>
<th>LICENSE SUSPENSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Prior OUI Offenses</td>
<td>3 years + 1 year</td>
</tr>
<tr>
<td>1 Prior OUI Offense</td>
<td>3 years + 1 year</td>
</tr>
<tr>
<td>2 Prior OUI Offenses</td>
<td>5 years + 1 year</td>
</tr>
<tr>
<td>3 or More Prior OUI Offenses</td>
<td>Lifetime</td>
</tr>
</tbody>
</table>

**Note:** The additional 180-day suspension for drivers under age 21 is designed to get youths charged with OUI who refuse a chemical test to undergo alcohol education. It does not matter what happens with your court case. Even if you win the case, it will not change the requirement for you to take an alcohol education course. If this is your first OUI case, the 180-day suspension can be waived upon entry into a Department of Public Health (DPH) approved alcohol education program.

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**New Law**
Manslaughter while under the influence of alcohol or drugs
Penalty
5 year minimum mandatory sentence – 20 years imprisonment in state prison and a fine of not more than $25,000

Loss of License
15 years - lifetime license suspension

Motor Vehicle Homicide
Melanie’s Law increases the length of license suspension from 10 years to a minimum of 15 years for a conviction of Motor Vehicle Homicide.

Ignition Interlock Devices
Starting January 1, 2006, any driver with a second or subsequent operating under the influence offense who is eligible for a hardship license or for license reinstatement will be required to have an Ignition Interlock Device attached to any vehicle the driver owns, leases, or operates (including an employer’s vehicle) at the driver’s expense. The goal of this device is to protect both the public and the driver from continued unlawful operation of a motor vehicle. Massachusetts now joins a majority of states in utilizing this technology. A driver with a hardship license must use the device for the entire life of the hardship license and for two additional years after the license has been reinstated. If a driver with two or more OUI offenses is eligible for license reinstatement, the Ignition Interlock Device will be required for two years. This two-year period is mandatory (even if the device was used with a hardship license).

A driver who has received a suspension of 5 years or longer for a chemical test refusal will be required to have a device for the balance of the chemical test refusal suspension period if a court orders an early reinstatement.

Installation of the Ignition Interlock Device is a mandatory condition of the issuance of a hardship license or of license reinstatement.

Once the device is installed, a driver will be required to pass a breath test before starting the vehicle. Any blood alcohol reading of greater than .02 will prevent the vehicle from starting. Every 30 days, the driver must return to the vendor, who will upload and transfer data from the device to the RMV.

Failure to comply with the Ignition Interlock Device requirements under the law will result in a license revocation from 10 years to life.

For information on how to obtain and use an Ignition Interlock Device, see the Ignition Interlock Device brochure (this is available in all full-service RMV branches and online at www.mass.gov/rmv)

DRUG POLICY

I. Philosophy
Framingham State is concerned with the welfare of its students, faculty and staff and strives to maintain an environment conducive to teaching, learning and personal development. The University recognizes the negative effect illegal drugs and/or drug abuse can have on both the campus community and society at large. These effects may include, but are not limited to, health risks, threats to the safety and well-being of individuals, legal penalties, disruption to the learning environment, impediment to personal and academic growth, and damages the reputation and public confidence in the University.

It is important, then, that all members of the University community reflect upon their personal responsibilities and, additionally, act to assist others through timely intervention, reporting and/or referral to appropriate sources of treatment and/or support.

This policy is intended to accomplish the following goals:
- Promote a healthy and safe learning environment by stating clear standards of conduct and minimum University sanctions that will be imposed for violation of this policy.
- Describe applicable legal sanctions under state, local and federal law.
- Describe health risks and available education and prevention services, referral services, and counseling, treatment and support services.

II. Policy
A. Conduct Code Regulations
1. The use, possession, sale, distribution, or manufacturing of any illegal drug is prohibited.
2. The illegal or unauthorized possession, sale, use and/or abuse of any prescription or non-prescription drug is prohibited.
3. Possession or use of drug-related paraphernalia is prohibited. In determining if an object is drug-related paraphernalia relevant factors will be considered including, but not limited to, evidence of the object’s use, the object’s primarily intended use, the object’s designed use, the existence of residue of controlled substances on the object, descriptive materials related to the object and the proximity of the object to behavior in violation of the drug policy.

B. Response Procedure
1. If a member of the community suspects violation of the University drug policy the matter should be reported to the Framingham State Police Department. Residence hall incidents may additionally be reported to the Residence Director.
2. Incidents involving alleged violation of the University drug policy will be resolved in accordance with the University Judicial Code. A student charged with violation of the drug policy may be placed on interim suspension from the University and/or interim separation from University residence halls pending the outcome of judicial proceedings.