

Boston University Dean of Students

775 Commonwealth Avenue
Boston, Massachusetts 02215
T 617-353-4126 F 617-353-4225
www.bu.edu/dos



March 16, 2009

Matthew Siedel
President
Student Union
1 University Road
Boston, Massachusetts 02215

RE: Student Union Proposal for Reform of Judicial Sanction Policies in Cases of Medical Emergencies at Boston University

Dear Matt,

I am writing in response to the Student Union's request that Boston University consider adopting a policy concerning medical amnesty. As we have discussed, I believe that our current practices for addressing students who violate University policies regarding the possession and use of alcoholic beverages or drugs are consistent with the Student Union's proposal.

Our current policies on alcohol and drug use are broadly written, so much so that it is understandable that a student may believe that our approach to addressing inappropriate alcohol or drug use is simply to suspend or expel the student(s) involved. I appreciate your bringing this to my attention and your efforts to seek clarity as to our actual practices. Therefore, to ensure that students and members of the University community understand how the University responds to alcohol and drug violations, I will describe our approach throughout this letter.

The illegal use or abuse of alcohol or drugs can be hazardous to students' health and safety as well as an impediment to academic and personal success. We are, above all else, concerned for the safety and well-being of all members of our community; therefore, we address all reported violations of the University's alcohol and drug policies, including notifying the parents of undergraduate students of

Matthew Siedel

RE: Student Union Proposal for Reform of Judicial Sanction Policy in Cases of Medical
Emergencies at Boston University

March 16, 2009

Page 2 of 5

alcohol and drug-related incidents, if necessary. You will find policies on alcohol and other illegal drugs in two “places.” First, Boston University’s Alcohol Policy outlines Massachusetts law and provides details regarding the prohibition on underage drinking in University residences and in connection with University activities. (This policy may be found at <http://www.bu.edu/lifebook/university-policies/nonacademic-policies/alcohol-policy.html>.) The University’s Policy on Illegal Drugs and Alcohol outlines the range of disciplinary sanctions for violations of University policy as well as the education and counseling programs that are available. (This policy may be found at <http://www.bu.edu/safety/drugs/index.shtml>.)

At Boston University, student health and safety are paramount. We recognize that alcohol or drug consumption may create medical or safety emergencies in which the potential for University disciplinary action may deter students from seeking assistance for themselves or others. In these situations, we strongly encourage students to act with their own and others’ health and safety as the primary concern.

When the University learns of a student’s illegal possession or use of alcohol or drugs as a result of that student’s seeking medical assistance for him- or herself, or another person, that student ordinarily will not be subject to University disciplinary sanctions for possession or use of that substance so long as the student completes all education and counseling programs recommended by the University. We are committed to the use of education and treatment approaches because, in our experience, education and/or treatment for individuals who receive emergency medical attention may reduce the likelihood of future occurrences.

When there is a question of sexual abuse or assault in a situation involving alcohol or drugs, the student who was sexually abused or assaulted is not subject to discipline under the University’s alcohol and drug policies.

March 16, 2009

Page 3 of 5

As further clarification of our approach to dealing with illegal use or possession of alcohol, it will be useful for you to understand the typical sanctions in cases where students do not seek medical assistance. The disciplinary sanctions typically imposed for underage alcohol possession and use violations, together with the education and counseling programs that are usually required are as follows:

Violations in University Residence Halls

Following are the sanctions and education and counseling programs typically imposed for underage alcohol possession and use violations that take place in University residence halls. More serious sanctions may be imposed in appropriate circumstances, including when the quantity of alcohol is excessive (e.g., exceeds one case of beer or one liter of liquor) and when an individual provides alcohol to persons who are under 21. If other unacceptable behavior - such as fighting, sexual assault, or property damage - occurs in conjunction with the alcohol violation, additional sanctions may be imposed for that behavior. Second violations are uncommon and third violations are rare. Sanctions for a third violation will include, among other things, separation from University housing.

	First Incident	Second Incident
Disciplinary Sanction	Probation and \$100 fine	Deferred separation from University housing
Education/Counseling	e-CHUG (an online self assessment and education on alcohol use)	Alcohol education class and use e-CHUG

The University permits students who are over 21 to possess and consume alcohol within the residence halls. However, when an excessive quantity of alcohol is present, members of the residence hall staff contact the Boston University Police Department (BUPD). BUPD determines whether to take action against an individual, including whether to refer the matter to local authorities. (Under Massachusetts law, a minor in possession of alcohol may be arrested and fined and his or her driver's license may be suspended. An individual who buys alcohol for a minor may be fined up to \$2,000 and sentenced to up to six months in jail.)

Violations Not in University Residence Halls

Following are the sanctions and education and counseling programs typically imposed for underage alcohol possession and use violations that do not take place in University residence halls. If other unacceptable behavior - such as fighting, sexual assault, or property damage - occurs in conjunction with the alcohol violation, additional sanctions may be imposed for that behavior. Second violations are uncommon and third violations are rare. Sanctions for a third violation will include, among other things, suspension from the University.

	First Incident	Second Incident
Disciplinary Sanction	Probation and \$100 fine	Deferred suspension
Education/Counseling	e-CHUG (an online self assessment and education on alcohol use.)	Alcohol education class and e-CHUG

At the end of the current academic year, we will review our current policies concerning drugs and alcohol, as well as the University's practices concerning disciplinary sanctions for these violations.

Matthew Siedel

RE: Student Union Proposal for Reform of Judicial Sanction Policy in Cases of Medical
Emergencies at Boston University

March 16, 2009

Page 5 of 5

As part of that review, we will consider sanctions for possession of less than one ounce of marijuana in light of the new Massachusetts law on that subject.

Like you, I am deeply concerned for the safety of our students. I am constantly thinking about the best ways to balance the care we can - and do - provide to our students against the responsibility and good decision-making we ask students to show within their social settings. I hold students and this community in high esteem: I expect that we will help each other; look after each other; and exercise consistent, good judgment.

I hope that you will agree that your proposal is similar to our practices. I also hope that, by giving you and other students more information, we are able to persuade those who are not doing so to do the right thing: to seek assistance from the University. In circumstances involving alcohol and medical emergencies, our goal has always been - and will continue to be - to help first and to address the issue in a sensitive, appropriate manner.

I want the information contained in this letter to be disseminated to the University community, and I will work harder to inform students of our approach, including placing portions of this letter regarding sanctions for illegal alcohol use and alcohol abuse on the Web page that outlines the alcohol policy (<http://www.bu.edu/lifebook/university-policies/nonacademic-policies/alcohol-policy.html>). I hope that I can count on you and the Student Union to help spread the word and to engage students in conversations about safety and personal responsibility in social settings. Be safe and stay well,

With best regards,

Kenneth Elmore