

# STUDENT CONDUCT CODE

## General Principles

All members of the campus community share a responsibility for maintaining and enhancing an environment guided by mutual respect, high standards of integrity, and reason. To that end the College has established this Student Conduct Code, which outlines standards of behavior that promote the safety and welfare of the Rhode Island College community. Rhode Island College expects that all students will abide by the policies of the College as well as state, local, and federal laws. Criminal activity occurring on campus will normally be reported to the appropriate law enforcement agency.

## Applicability of Code

The Student Conduct Code applies to all undergraduate, graduate, full-time and part-time students at Rhode Island College registered for class and all currently recognized student organizations. The Code also applies to persons who withdraw from the College after allegedly violating the Student Conduct Code, who are not officially enrolled for a particular term but are eligible to return and have not attended another post-secondary institution while not registered for classes at Rhode Island College, or who have been notified of their acceptance for admission and paid an enrollment deposit but may not have taken a class at the College yet. In such cases, a student may be prevented from re-enrolling or may be readmitted with certain restrictions until the case is resolved. Student behavior occurring off campus that is in violation of the Code or local, state, or federal laws that may adversely affect the College or its relationship with the surrounding community may subject students and/or student organizations to college discipline.

## Prohibited Behavior

Students may be subject to discipline if found to have committed, to have attempted to commit, or to have threatened to commit, or aided and abetted another person to commit the following:

1. **Violence**, including physical abuse, fighting, verbal abuse, bullying or cyberbullying, threats of violence, intimidation, harassment, coercion and/or conduct that threatens or endangers the health or safety of any person.
2. **Retaliation**, physical or through intimidation, against a complainant, witness or any participant involved in a disciplinary investigation or process, directly, through others acting on one's behalf, or indirectly through others or social media.
3. **Sexual assault and relationship violence** (see the College's Sexual Assault and Relationship Violence Policy).
4. **Illegally Discriminating** against any member of the College community or visitor to the College while engaged in any College-recognized or related activity as set forth in the College's Equal Opportunity policy.
5. **Possession of Weapons**, or weapon facsimile, including a firearm (as defined in R.I. Gen. Laws § 11-47-2 (3)) blackjack, slingshot, billy, sandclub, sandbag, metal knuckles,

slap glove, bludgeon, stun-gun, the so called “Kung-Fu” weapon, crossbow, dagger, dirk, stiletto, sword-in-cane, bowie knife, or other similar weapon designed to cut and stab another or any concealed razor, or knife of any description having a blade of more than three (3) inches in length measuring from the end of the handle where the blade is attached to the end of the blade. This prohibition shall not apply to students who are law enforcement officers or uniformed members of the armed forces in connection with their duties. This prohibition shall also not apply to those facsimiles used as part of an organized College-sanctioned event or academic activity.

6. **Possession of Fire works**, including dangerous chemicals or other explosives except when appropriately used in connection with a College-sponsored activity.
7. **Disorderly Conduct** which intentionally, knowingly or recklessly disturbs others by making loud and unreasonable noise, directs at another person in a public place words that are likely to provoke a violent reaction, obstructs the passage of persons or vehicles of a pedestrian- or highway, or otherwise interferes or obstructs a lawful meeting, College classes, the work of a college employee, or approved student activities.
8. **Possession of Alcohol or Illegal Drugs**, including the use of prescription pharmaceuticals for other than their intended use, on the campus or in any College-owned or controlled vehicle, or public intoxication/visibly under the influence of drugs. This policy applies to all campus facilities including residence halls and at all student activities and events presented on campus by a College sponsored or a non-sponsored host. The Vice President for Student Success may grant exceptions when alcohol is an intended addition to a meal (e.g., a champagne toast at a reception). At all such scheduled events, it is required that nonalcoholic beverages also be served. No mention of alcohol is to be included in any publicity or promotion of said events. Legal sanctions for alcohol and other drug violations are listed at the end of this Code.
9. **Hazing** which is any conduct or method of initiation into any student organization, whether College-recognized or not, that willfully or recklessly endangers the physical or mental health of any person, or which destroys or removes public or private property. Hazing includes, but is not limited to: whipping, beating, branding; forced calisthenics; exposure to the weather; forced consumption of any food, liquor, beverage, drug or other substance, or any brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any person, or which subjects any person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.
10. **Theft** of personal or public property on-campus or off-campus, or knowingly possessing stolen property.
11. **Engaging in Any Unlawful Activity** including any illegal activity by students, whether on or off campus, subjects the individual to prosecution by civil authorities. In addition, the student is subject to disciplinary action by the College when its special interests (e.g.,

the health and safety of its members, college property, and its educational programs) are jeopardized.

12. **Failing to Comply With Faculty or Staff Directives** acting in performance of their duties. This includes failure to conform to the procedures for adjudicating student disciplinary complaints.
13. **Failing to Comply With the College's Responsible Computer Use Policy**—see: <http://www.ric.edu/administrationfinance/Documents/PolicyforResponsibleComputing.pdf>
14. **Malicious or Reckless Destruction of Property**: The intentional or reckless damage to or destruction of College property or of property on College premises belonging to others, including graffiti, destroying/removing advertisements, is prohibited.
15. **Acts of Dishonesty**, including but not limited to the following:
  - a. Furnishing false information to any College official, faculty member, or office.
  - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification • Interfering with the operation of the student disciplinary process.
16. **Illegal Gambling**: Gambling is prohibited on the campus and at any College-sponsored or College-recognized event.
17. **Unauthorized Possession, Duplication or Use of Keys** to any college premises is prohibited.
18. **Unauthorized Entry** or other use of college premises is prohibited.
19. **Deliberate Misuse of Fire Safety Equipment**, including exit signs and fire doors: Tampering with fire safety equipment (including, but not limited to, fire extinguishers, exit signs, automatic sprinkler heads, local smoke and heat detectors, and emergency lights) is prohibited. Safety equipment, such as exit lights, fire alarms, sprinkler systems, smoke alarms, or other safety or fire- fighting equipment must not be used inappropriately or rendered inoperable. Emergency exit charts shall not be removed or covered. Self-closing mechanisms on interior doors shall not be disabled and interior doors shall not be propped open.
20. **Violation of Residence Hall Policies** listed in the section on Residence Hall Responsibilities (below).
21. **Commercial Sales or Solicitation** of members of the college community without authorization of the Vice President of Student Success is prohibited. Any person desiring to sell any products or services on the campus must have written permission from the Dean of Students, the Director of the Student Union or his/her designee. Credit card marketing is one form of solicitation that does not advance the mission of the institution and, therefore, is prohibited.

22. **Smoking** in any college building, vehicle, or other facility and within 50 feet of any entrance or exit thereto: Every member of the College community is entitled to a smoke-free environment. Smoking is prohibited in ALL RHODE ISLAND COLLEGE buildings and facilities. Smoking is permitted only in outdoor areas provided that it occurs 50ft. from building entrance ways and vestibules or in externally designated areas.
23. **Violation of any officially promulgated College rule** or regulation not listed above.

## ADJUDICATING ALLEGATIONS OF STUDENT MISCONDUCT

Formal adjudication of alleged violations of the Student Conduct Code is conducted by the Student Conduct Board, with the exception of alleged violations of the Sexual Misconduct and Relationship Violence Policy, which are adjudicated under the Title IX Complaint Process.

### **a. Report Initiation.**

Any member of the College community may file a report with the Dean of Students Office or Campus Police accusing a student of violating the Student Conduct Code. The complaint shall normally be in writing and filed promptly following the complainant's learning of the alleged misconduct. Where an allegation concerns both academic and non-academic misconduct the adjudication shall be assigned to either the Student Conduct Board or the Academic Integrity Board at the discretion of the Vice President for Academic Affairs and Dean of Students.

### **c. Administrative Determination.**

The Dean of Students or designee shall conduct an investigation to determine:

1. Whether the allegations in the complaint, if proven, constitute a violation of the Student Conduct Code, and if so
2. Whether, the charges can be disposed of administratively by mutual consent of the complainant(s), the accused student or student organization, and the Dean of Students, or
3. Whether the charges can be disposed of administratively insofar as the factual allegations are concerned but not as to the appropriate sanction or other resolution. If the Dean of Students or designee concludes that the allegations, if proven, constitute a violation of the Student Conduct Code but the matter cannot be resolved through an Administrative Determination (e.g. mutual consent cannot be reached, or the sanction as determined by the Dean of Students (or designee) is rejected by the accused student or student organization), she or he will refer the case for formal adjudication.

### **d. Interim Suspension**

The Dean of Students (or designee) with the concurrence of the Vice President for Student Success (or designee) or the President may immediately suspend a student in advance of a Student Conduct Board Hearing whenever she or he determines that allegations in the complaint, if proven, constitute a violation of the Student Conduct Code and there is a compelling need to remove the student from some or all parts of the campus and/or during certain times in order to safeguard the safety of members of the campus community, including the safety of the individual

student, or to avoid disruption of the normal operations of the College. The Dean of Students (or designee) may establish any reasonable conditions in lieu of not imposing an interim suspension or for lifting the interim suspension.

The status of a student, including those who have been suspended on an interim basis, shall not otherwise be altered pending adjudication of the charge(s) and during the pendency of any appeal, provided, however, if the sanction proposed is suspension or expulsion. No grades, awards or degrees shall be awarded and a student who has been suspended on an interim basis who has been found responsible for violating the Student Conduct Code shall remain suspended on an interim basis during any appeal period.

#### **d. Hearing Procedures for Formal Adjudication**

Absent extraordinary circumstances, the appropriate hearing officer (e.g. Dean of Students, Chair of the Student Conduct Board) shall operate in accordance with the following:

- 1.) The accused student or student organization shall be given written notice of the specific allegations, the provision(s) of the Student Conduct Code alleged to have been violated, the nature of the evidence that is likely to be presented at the hearing, the names of witnesses likely to be called, and the range of sanctions likely to be imposed in the event the student/student organization is found responsible for the behavior alleged.
- 2.) The hearing officer shall schedule the time, date and place of the hearing(s), to be held normally at least five days following the student's/student organization's notification but normally within thirty days. The hearing officer shall rule on any other procedural matters raised by either party.
- 3.) Any documentary evidence that any witness or party wishes to present at the hearing shall normally be submitted to the hearing officer as far in advance of the hearing as possible. The hearing officer shall cause the evidence to be shared with the accused student/student organization, complaining witness, and the appropriate college administrators. Any objection to the introduction of such documentary evidence shall be made to the hearing officer prior to the hearing. The hearing officer's ruling shall be noted in the record of the hearing (but the substance of the excluded evidence shall not be shared with other members of the Board in cases referred to the Student Conduct Board). Any documentary evidence not shared in advance of the hearing shall, absent extraordinary circumstances, be excluded.
- 4.) In cases referred to the Student Conduct Board, an accused student/student organization or a complainant may request that one or more members of the Board be recused for good cause such as a conflict of interest or articulable bias. The fact that one or more members of the Board may have previously adjudicated a matter involving the student or witness(s) shall not, in and of itself constitute good cause. The Chair shall rule on the request for recusal except when the Chair is the subject of the recusal request in which case the remaining members shall make the ruling.
- 5.) Hearings normally shall be conducted in private. Exceptions, for good cause, may be granted by the hearing officer. In Student Conduct Board cases, the Dean of Students may be present at

the request of the Chair or a majority of the members of the Board in order to advise on procedural questions, unless the Dean of Students is the formal complainant.

6.) The complainant, the accused student/student organization and his or her advisor, who must be a member of the College community and may not actively participate in the hearing, may attend the entire hearing. Attendance of any other witnesses shall be at the discretion of the hearing officer. Any person who in the presence of the Board during a hearing exhibits contemptuous, boisterous, disorderly or violent conduct, tending to impair or to interrupt the due course of a hearing, may be held in contempt, sanctioned therefore, and/or ejected from the hearing with the aid of campus police.

7.) The Student Conduct Board's deliberations concerning the determination of guilt and the imposition of sanctions shall be conducted in executive session. Provided however, where the Dean of Students is the formal complainant and his or her presence is requested by the Chair or a majority of the members of the Board in order to advise on procedural questions the Dean may be present.

8.) Where more than one student is accused of misconduct arising out of the same incident the accusations against all of the students shall, absent extraordinary circumstances, be considered together. The hearing officer shall rule on any applications for separate hearings.

9.) The complainant and the accused student/student organization may be assisted by an advisor who must be a member of the College community except in cases where the alleged facts are such that the accused student may face criminal prosecution, in which case the accused may have the assistance of legal counsel at his or her own expense. Any advisor or counsel may not participate in the hearing and said advisor or counsel's sole role shall be to silently advise the accused student.

10.) All members of the College community are expected to cooperate in disciplinary hearings and those who are prospective witnesses shall make themselves available at the hearing as necessary. The parties seeking to call witnesses from the College community shall contact the witnesses as far in advance of the hearing as possible. If necessary, the Dean of Students shall assist in obtaining the attendance of College-community witnesses who are identified at least two days prior to the hearing.

11.) Hearsay evidence may be admitted at the discretion of the hearing officer. Provided however, written allegations of material facts shall normally be given little weight.

12.) The hearings shall be conducted without the formal procedures that obtain in a court of law.

13.) A recording shall be made of the hearing and shall be made available to the accused student upon request to formulate an appeal only. Normally, this request will be fulfilled by arranging for the party to listen to the recording.

14.) The hearing body shall make its decision(s) solely on the evidence presented and arguments made at the hearing. If the accused student/student organization fails to appear the hearing shall proceed and consider whatever evidence is presented.

15.) The complainant shall have the burden of going forward. However, at the hearing officer's discretion the order of witnesses or the presentation of documentary evidence may be taken out of order.

16.) Normally, the complainant and accused student/student organization may not directly question witnesses.

17.) Following the presentation of the complainant's case the accused student/student organization shall have the opportunity to respond.

18.) At the discretion of the hearing officer, either side may be permitted to present rebuttal evidence.

19.) At the discretion of the hearing officer either side may make a closing argument with the accused student/student organization going last.

20.) The hearing body's determination shall be made on the basis of a preponderance of the evidence (e.g. whether it is more likely than not that the accused student/student organization violated the Code) except where the likely sanction is either suspension for at least a semester or expulsion in which case the standard of proof, other than cases involving allegations of sexual misconduct, shall be by clear and convincing evidence.

21.) Notice of the hearing body's decision, including information regarding any relevant right of appeal, shall be sent to the accused student/student organization as soon as practicable.

#### **e. Sanctions**

An individual found responsible for violating the Student Conduct Code is subject to one or more of the following sanctions.

- A. **Written Warning** that shall become part of the student's record until the student graduates from the College.
- B. **Fines** are a monetary sanction assigned by the college officer making the Administrative Determination or conducting the Formal Adjudication.
- C. **Restitution** either to the Complainant or the College. Completion of a work assignment(s) may, in some circumstances, be substituted for a monetary payment.
- D. **Restriction** either from specific locations on campus such as the residence halls, and/or during specific times. The restriction may be for a fixed period of time or permanent.

- E. **Educational Sanction** used to provide additional education related to the behavior or incident by the hearing officer. Students assigned an educational sanction will be given a detailed description of the assignment by the hearing officer. Examples of educational sanctions include, but are not limited to: self-assessment surveys, written assignments and presentations
- F. **Probation** with or without conditions such as exclusion from participation in extracurricular activities, the requirement to make restitution, or to complete some specific assignment. Satisfying the conditions of probation is a prerequisite to receiving a degree or certificate and failure to honor the terms of the probation shall result in the reconsideration of the original sanction by the relevant adjudicating board.
- G. **Residence Probation** is a specified period of time where any further unacceptable behavior may be cause for removal from the residential living community.
- H. **Residence Relocation** is the requirement of a residential student to move from one residential living community to another residential living community due to unacceptable and inappropriate behavior. The student will be re-assigned by the relevant residential living community staff.
- I. **Residence Removal** is the immediate termination of a residential student's on-campus housing contract after one serious violation or repeated violations of community standards in a residential living community.
- J. **Revocation of Admission**
- K. **Revocation of Degree**
- L. **Suspension** is forced withdrawal from the College for a specified period of time, including exclusion from classes, termination of student status and all related privileges and activities, and exclusion from the campus if set forth in the notice of suspension. If a student, while suspended, violates any of the terms set forth in the notice of suspension, the student shall be subject to further discipline in the form of expulsion.
- M. **Suspension held in abeyance** is an action to seriously warn a student or student organization that suspension is being withheld pending no additional evidence being discovered regarding the incident. If additional violations of college policy occur, the student may be immediately suspended from the College pending an investigation of the new incident.
- N. **Treatment Compliance** where the student will be required to comply with any treatment, referrals and educational activities which may be recommended and to provide documentation of official discharge from treatment provider upon completion.
- O. **Trespass** A suspension of a student's right to enter a specific building on University property, locations on campus, or all of the University of Rhode Island campuses. When

appropriate, a trespass notice may include the suspension of a student's right to represent 35 the University at University-sponsored or related events. When a trespass notice is given, the student will receive a detailed explanation of the parameters of this trespass. In the event there is a report that the student has violated the trespass, it will be recommended to the Vice President for Student Affairs that the student be Emergency Suspended, as defined in the Student Handbook.

P. **Expulsion** is a permanent separation from the College.

A student organization found responsible for violating the Student Conduct Code is subject to one or more of the following sanctions:

- a) **Written Warning**
- b) **Restitution**
- c) **Monetary Fines**
- d) **Restriction**
- e) **Educational Sanction**
- f) **Probation** (with or without conditions such as exclusion from participation in certain activities, the requirement to make restitution, or for its members to complete some specific assignment.)
- g) **Deactivation** either for a period of time or permanently.

#### **f. Appeals**

An individual or organization found to have violated the Student Conduct Code or an individual complainant, in cases involving a crime of violence, may appeal by submitting written notification (including email notification) to the Vice President for Student Success within five (5) days of receiving the decision of a hearing body (e.g. Residential Life and Housing Officer, Dean of Students, Student Conduct Board). The notice of appeal shall specify the grounds upon which the appeal is made. An appeal will be considered only where it is alleged that:

- Newly discovered evidence not reasonably ascertainable or available at the time of the original hearing, which if presented to the hearing board would likely have altered the outcome
- Violation of procedural due process by the Board or other administrator resulting in substantial prejudice to the appellant
- There was no substantial evidence presented at the hearing upon which a fact finder could reasonably have reached its reported conclusion
- The sanction is disproportionate to the offense.

When a student appeals the decision of the Student Conduct Board, the Office of the Vice President for Student Success will bring together an appeals board comprised of three members, including at least one but not more than one students, who have had at least one year prior service and who are currently not serving as a member or an alternate on the Student Conduct Board. The Appeals Board will hear the Student Conduct Board recording of the hearing, evaluate a respondent's or complainant's appeal, and render a decision. The appeal must be on a written submission from either the respondent or the complainant that sets forth the claimed errors. The appeal must be heard and the student informed of the Appeals Board decision within two weeks of the submission of the written appeal to the Vice President for Student Success.

Appeals of non-Student Conduct Board decisions will be decided by the Vice-President for Student Success who may:

- deny and dismiss the appeal
- grant the appeal and either dismiss or remand the case to the hearing body for a new hearing and/or a reconsideration, including only a reconsideration of the sanction(s), or reverse the decision of the hearing body and dismiss the case with or without comment.
- uphold the factual finding(s) of the hearing body but either increase or reduce the sanctions
- return the case to the hearing body for rehearing on such matters and with such guidance as may be specified.

In such cases, the Vice-President for Student Success shall promptly advise the appellant of the outcome of any appeal involving a violation of the Student Conduct Code. In cases involving crimes of violence, both complainant and accused will be notified of the outcome of any appeal, and decisions regarding appeals shall normally be rendered within thirty (30) days from the date the appeal was received, absent extraordinary circumstances. The decision of the Vice President for Student Success is final, with the option by the President to grant clemency.

#### **g. Disciplinary Records**

Except where the student has been expelled, suspended from the residence halls, suspended from the College or had a degree or academic award revoked, the student's record of discipline shall be expunged upon his or her graduating or otherwise formally leaving the College. The Vice-President for Student Success may, for good cause on a case-by-case basis, expunge a student's disciplinary record after at least five years following the student's graduation or formal withdrawal from the College.

### **MEDICAL AMNESTY POLICY**

RIGL 16-76.2-2: The health and safety of every student at the Rhode Island College is of utmost importance. Rhode Island College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an **incident of violence** occurs, including, but not limited to, domestic violence, dating violence, stalking, or sexual assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Rhode Island College strongly encourages students to report incidents of

violence to institution officials. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to Rhode Island College's officials or law enforcement will not be subject to Rhode Island College's code of conduct action for violations of alcohol- and/or drug-use policies occurring at or near the time of the commission of the incident of violence.

Rhode Island College prioritizes the health and safety of the campus community. The College recognizes that in situations where students or their guests on campus face potentially dangerous medical emergencies due to alcohol consumption or drug use, fear of sanctions under the Alcohol and Drug Policies outlined in the Student Conduct Code may deter them from seeking necessary, life-saving medical attention. The Medical Amnesty policy seeks to encourage students to immediately seek assistance for themselves or others when dangerously intoxicated or impaired by shielding them from sanctions for violating the Alcohol and Drug Policies under the following conditions:

### **Students Seeking Assistance for Themselves**

1. Students who seek assistance for themselves may be exempted from sanctions for violating the Alcohol and/or Drug policies provided that they actively contact Residential Life & Housing Staff or the RIC Campus Police to request medical attention.
2. Students granted Medical Amnesty will be required to meet with the Dean of Students and agree to a plan of action (education, counseling, etc.). Failure to comply with that plan will result in revocation of amnesty.
3. Medical Amnesty only exempts students from sanctions related to alcohol and drug use. It does not protect students from facing sanctions for other violations of the Student Conduct Code committed while intoxicated or impaired, including (but not limited to) destruction of property, physical assault, or sexual assault.
4. Medical Amnesty only extends to sanctions for violation of the Rhode Island College Student Conduct Code. It does not shield students from prosecution for violation of state or federal law related to alcohol and/or drug possession or use.

### **Students Seeking Assistance for Others**

1. Students who notice that another RIC student or guest is dangerously intoxicated or impaired are encouraged to intervene immediately to ensure their health and safety. This includes confiscating keys and calling for a cab, or contacting Campus Police, to prevent individuals from driving while under the influence of alcohol or drugs, as well as calling for medical attention for individuals suspected of suffering from alcohol poisoning, overdose, or other medical emergencies related to alcohol or drug use.
2. Medical Amnesty will only be granted to students who actively intervene in such situations. Bystanders who are present, but do not take active steps to seek assistance, will not be eligible for amnesty.
3. Taking active steps to intervene means (1) immediately contacting appropriate Residential Life & Housing representatives or RIC Campus Police to request medical or other assistance; (2) remaining with the intoxicated or impaired individual until help arrives; and (3) remaining after help arrives to assist emergency responders and/or RIC Campus Police in assessing the situation and reporting it.

4. Medical Amnesty only exempts bystanders who actively intervene to assist intoxicated or impaired students or guests from sanctions related to alcohol and drug use. It does not protect them from facing sanctions for other violations of the Student Conduct Code, including (but not limited to) destruction of property, physical assault, or sexual assault.

### **Student Organizations**

RIC Student Organizations are expected to comply with the Student Conduct Code at all times. This includes neither facilitating nor sanctioning the use of either alcohol or drugs at events sponsored by the organization. RIC Student Organizations are not eligible for Medical Amnesty. However, Student Organizations and their members are expected to actively intervene to seek medical assistance for students or guests who become dangerously intoxicated or impaired at organization-sponsored events. Providing assistance to such individuals will be taken into consideration when determining sanctions for Student Organizations that violate the Alcohol and Drug policies outlined in the Student Conduct Code. Failure to actively seek assistance for students or guests who become dangerously intoxicated or impaired at organization-sponsored events will result in more severe sanctions.

## **LEGAL SANCTIONS FOR ALCOHOL AND OTHER DRUGS**

### *Driving While Impaired*

In Rhode Island, persons at least eighteen (18) years old but less than twenty-one (21) years of age driving with a blood alcohol concentration greater than .02 but less than .10 are considered to be driving while impaired. The sanctions for driving while impaired include a fine of up to \$250, up to 30 hours of community restitution, suspension of driver's license for a minimum of one month up to three months and attendance at a DUI/DWI class or an alcohol treatment program.

In Rhode Island, driving while having a blood alcohol concentration of .08% and above is a crime. Some of the Rhode Island penalties for driving while under the influence of alcohol or other intoxicating drugs include fines starting at \$100, community service, license suspension, and/or imprisonment.

### *False Identification*

Section 3-8-6(d) of the Rhode Island statute states that it is unlawful for a minor (under the age of 21) to purchase, or attempt to purchase, or to make a false statement or misrepresent their age through the presentation of a false document in connection with the attempted purchase of alcohol. The sanction is a minimum fine of \$100-\$500 and the possibility of up to 30 hours of community service and suspension of their driver's license for up to three months for a first offense.

### *Transportation of Alcohol*

Section 3-8-9 of Rhode Island statute states that any person who has not reached their twenty-first (21st) birthday and who operates a motor vehicle upon the public highways, except when accompanied by a parent, legal guardian, or another adult who is over the age of twenty-one (21) years and related, whether by blood, adoption or marriage, to the operator within the following degree of sanguinity: brother, sister, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half-brother, half-

sister, uncle, aunt, great uncle or great aunt and, knowingly having liquor or intoxicating beverages in any form in containers, opened or unopened, in any part of the vehicle shall be guilty of a criminal violation. In addition, violators may be progressively sanctioned the following: fines of \$250 - \$950 and suspension of license to operate a motor vehicle thirty (30) days to one year (12 months).

### Underage Possession

Section 3-8-10 of Rhode Island statute states that: Any person who has not reached his or her twenty-first (21st) birthday and has in his or her possession any beverage as defined in this title shall be fined one hundred fifty dollars (\$150) to seven hundred fifty dollars (\$750) for the first offense, three hundred dollars (\$300) to seven hundred fifty dollars (\$750) for the second offense, and four hundred fifty dollars (\$450) to nine hundred fifty dollars (\$950) for the third or subsequent offense. In addition, any person who violates this section shall be required to perform thirty (30) hours of community service and shall be subject to a minimum sixty (60) day suspension of his or her driver's license, and upon a second offense may be ordered to undergo a substance abuse assessment by a licensed substance abuse professional.

### Illegal Drugs

Rhode Island statutes cover a wide range of drug offenses, including the use, possession, sale, distribution, transportation and manufacture of various types of drugs (see 21-28-4 Rhode Island General Laws). Among other provisions the State law creates the following mandatory minimum prison sentences for first-time offenders who are not “drug dependent” persons. Actual sentences depend on the severity and the circumstances of the offense, and the character and background of the offender, and include:

- Persons arrested for the sale of illegal drugs may be subject to being held in jail without bail until a hearing and are subject to forfeiting any money or vehicles associated with the sale of those illegal drugs.
- Imprisonment of not less than ten years plus fine for possession of enumerated quantities of controlled substances: heroin, coca leaves, cocaine, ecgonine, phencyclidine (PCP), Lysergic acid diethylamide (LSD), and marijuana.
- Possession of larger enumerated quantities results in a minimum prison sentence of not less than twenty years plus fine.
- Distribution of a controlled substance to persons under age 18 is penalized by imprisonment for not less than 15 years.
- Education and counseling may be required.

### Marijuana

The Rhode Island General Laws concerning Marijuana can be found:

- R.I. Gen. Laws § 21-28-4.01 (2015)
- R.I. Gen. Laws § 21-28-2.08 (2015)

Rhode Island College complies with the Drug-Free Schools and Communities (Campuses) Act of 1989 and the Federal Anti-Drug Abuse Act of 1988.

The penalties for those found with marijuana by the law enforcement include the following:

- Possession of marijuana for personal use of up to one ounce by an individual 18 years or older is a civil violation, punishable by a \$150 fine, no jail time, and no criminal record. Individuals under 18 years old face a \$150 fine and completion of an educational sanction.
- Possession of 1 ounce to 1 kilogram is a misdemeanor that is punishable by a maximum of 1-year imprisonment and a maximum fine of \$500
- Possession with the Intent to Distribute of between 1-5 kilograms is a felony punishable by a mandatory minimum sentence of 10 years and a maximum of 50 years imprisonment and a maximum fine of \$500,000.
- Possession with the Intent to Distribute of more than 5 kilograms is a felony punishable by a mandatory minimum sentence of 25 years and a maximum sentence of life imprisonment as well as a maximum fine of \$100,000.
- Sale or possession within 300 yards of a school may result in a doubling of the penalties.
- Possession of Marijuana while driving will result in a driver's license suspension for a period of 6 months.