

# It's Not Just a Good Idea . . .



# . . . It's The Law!

By Student Legal Services

734-763-9920

<https://studentlegalservices.umich.edu/>

# United States Legal System

- The United States has a federal legal system that applies nationally to all individuals.
- Additionally, each state has its own laws that govern the residents of its own state.
- There are also local laws enforced by cities, municipalities and other governmental entities (the University of Michigan being one example).
- The legal system is divided into civil matters or criminal matters.

# Civil Law Issues

- Contract disputes are the primary types of civil matters affecting students, particularly rental lease agreements, followed by sales and service contracts.
- Other civil matters include consumer credit and debt, insurance claims (for example auto or health insurance), personal damage claims, personal injury claims, family law issues, and probate issues.

# Before You Sign Your Lease

- A signed lease is a **BINDING CONTRACT**.
- Do not sign a lease until you have read it completely.
- If you do not agree with the terms of the lease – don't sign it.
- Bring your lease to Student Legal Services to review.

# Lease Provision Examples

- When does the lease start and end?
- Is it a term lease or month-to-month?
- What is the rent for the year? Month?
- How many people can live there?
- Can you live in the basement or the attic?
- Who pays the utility bills?
- What is the late fee?
- Joint and Several Liability (Roommates)
- Is the location acceptable?

# Put it in Writing

- Make sure all agreements are in writing.
- All lease changes should be written into the lease.
- All amenities should be noted on the lease.
- Communicate with your landlord in writing and keep copies of any communications between you and your landlord.

# When You Move In

- Fully, and with great detail, complete the inventory checklist provided by your landlord.
- Take pictures of the property when you move in to document the conditions.
- Renter's Insurance – get some!

# General Contract Concerns

- When a student purchases a major item like a car, or contracting for a service, they need to be cautious.
- If you are buying something that has been used it will be sold "AS IS". This means that there are no guarantees. It may break two days after you buy it. If it does, you will have no remedy under the law.
- If you have questions, ask before you buy.

# Criminal Law Issues:

## Bad Behavior = Bad Results

- Misdemeanors: A misdemeanor is a crime that is punishable by less than one year in jail and fines.
- You may also be ordered to do community service and report to the court's probation department.

There are thousands of things that are illegal. They may include something as simple as being on railroad property.



# General Alcohol Issues

- Open alcohol (an open bottle of beer or a mixed alcoholic drink) is not allowed in or around any University of Michigan property. University of Michigan property includes U-M parking lots, stadiums, and certain streets.
- It is allowed on private premises or at restaurants or cafes.
- Don't carry open bottles of alcohol in your car.
- "Open" means any container on which the seal is broken. This can include bottles and those RED CUPS.
- You cannot have open alcohol "in Public," which includes any non-private property space.

# Underage Alcohol Issues

- Consumption or possession of alcohol by minors (under 21 years of age) is illegal.
- It is illegal for a minor to transport alcohol in a motor vehicle.
- It is illegal to buy or provide alcohol for a minor.
- You may be eligible for a “medical amnesty” to an MIP charge if you are attempting to get medical assistance for yourself or for someone else.

# Drinking and Driving

- It is illegal to drive a motor vehicle if you are intoxicated. The penalties for driving while drunk are quite severe and can include fines, volunteer service, driving restrictions and sometimes suspension of your driving license.
- If you injure or kill someone or are in an accident while driving under the influence of alcohol or other substances you may be charged with criminal negligence, homicide or manslaughter.
- If stopped by the police you must give them a sample of your breath to determine if you are intoxicated.

# What Might Happen If You Drink and Drive

- If the police have some reason to believe you may be intoxicated, you will be arrested and given a “breathalyzer” test to determine your blood alcohol level.
- If you have a blood alcohol content (BAC) of 0.08 or more, you may be charged with Operating While Intoxicated (OWI).
- If you have a BAC of .17 or more, you may be charged with OWI + or “Super Drunk”.
- If you have a BAC of 0.08 or less, you may be charged with Operating While Visibly Impaired (OWVI).

# Public Urination

- Public urination in the City of Ann Arbor is a crime punishable by a fine and/or 90 days in jail. This happens when the police catch you urinating anywhere in the “public view.”
- Many students are charged with this crime. Most were attending large parties or were at bars and thought they were in a place that was secluded enough that they would not be noticed.

# Having a party?

- If a guest at your party becomes drunk, make sure they get safely home. Do not allow them to drive home in an inebriated [drunk] state. If you allow them to stay at your house check on them frequently and look for signs of alcohol poisoning.
- The signs of alcohol poisoning are clammy skin [skin feels cold and a little damp], blue lips, labored breathing, and person seems disoriented and may not respond to you. If a friend has any of these signs please call 911 immediately and an ambulance will arrive.
- You also are responsible for loud noise as a result of the party.

# Marijuana

- Marijuana is considered a controlled substance and in Michigan it is illegal.
- Possession of an amount less than 50 grams is a 1 year misdemeanor charge.
- A criminal conviction will impact your driver license and possibly your ability to get any federal student loans.
- Michigan is a medical marijuana state that permits a limited use of marijuana for medical purposes if you meet qualifications and obtain a license.
- While some states have de-criminalized marijuana in limited ways, it is still a federal crime and even a criminal charge may affect non-citizen status.

# Domestic Violence Issues

- Any accusation and any evidence of physical abuse to your partner, whether you're married or not, mandates immediate arrest.
- An assault is defined as any reasonable apprehension of violence (threatening language or threat of abuse). A battery is any unconsented touching. It does not require an injury.
- Violations can have sanctions that include expulsion from University housing as well as academic, legal sanctions and immigration proceedings.
- Victims of abuse can seek a court order for their protection.

# Sexual Harassment

- Sexual harassment, as defined by the University Policies for Students handbook :
- Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a University activity;

# Sexual Harassment, continued

- Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a University activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity.

# Stalking

- “Stalking” means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

# Unconsented Contact

- “Unconsented contact” means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
  - Following or appearing within the sight of that individual;
  - Approaching or confronting that individual in a public place or on private property;

# Unconsented Contact, continued

- Appearing at that individual's workplace or residence;
- Entering onto or remaining on property owned, leased, or occupied by that individual;
- Contacting that individual by telephone;
- Sending mail or electronic communications to that individual;
- Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

# Felonies

- A felony is a crime that is punishable by more than one year in prison.



# Some Examples of Felonies

- Stealing or hiding University or other library books with a value of more than \$200.
- Major theft, such as theft of expensive items (computer) or possession of another person's credit card.
- Violent crimes resulting in injury.
- Drunk driving resulting in death.

# Possible Consequences

- If you commit a felony, you may be charged by the State of Michigan, or the US Government if it is a federal crime.
- You may also be sanctioned by the University of Michigan through the Office Of Student Conflict Resolution, including a possible suspension or expulsion.
- Your immigration status may also be affected by committing any crime.

# Possible Consequences

- Please note that felonies and other criminal activity may be reported to DHS (Department of Homeland Security) or ICE (Immigration and Customs Enforcement).
- Please consult with an immigration attorney and an International Student/Scholar Advisor for an explanation the specific details of these regulations.
- [The Department of Homeland Security](#)
- [U.S. Immigration and Customs Enforcement](#)

# Possible Consequences

- Your immigration status can also be affected by an "aggravated felony", which actually includes some misdemeanors, including domestic violence and some theft offenses or by two "crimes of moral turpitude arising out of separate schemes." If you are ever in a situation in which this might apply to you, it is very important to seek the advice of an immigration attorney.

# Sexual Assault

- Sexual Assault is a crime involving forced or coerced “sexual penetration” or “sexual contact”. The University encourages the reporting of sexual assaults to the appropriate University officials, as reporting is the only way the University can take action against the accused assailant.
- Report Sexual Assaults to:
  - University of Michigan Police Department, 911 or use the “blue light” emergency phones on campus
  - Ann Arbor Police 911
  - Sexual Assault Prevention and Awareness Center 734-764-7771

# Driving Related Issues

- What do you do if a police car follows you with flashing red and blue lights (police may or may not have siren on)?
- Pull over to the right hand side of the road immediately and bring your car to a stop. Go off the road and on to the shoulder if you are able. Be calm. Do not panic and drive away. This will cause you more trouble. Do not get out of the car. The policeman expects you to stay in the car. Immediately get out your driving license, your car registration, and your car insurance.
- Roll down the window on the driver's side of the car.

- Put your hands on the steering wheel where the police officer can see them.
- Please do not reach for something in your pocket or make any sudden move.
- The police officer will ask for your documents and check them for expiration. Be polite and do not argue with the officer. Please feel free to ask questions, however.
- Answer the police officer's questions directly. The police officer will tell you what you are doing wrong and may give you a ticket. If this is your first offense or you have a valid reason s/he may let you off with a warning.
- Do not attempt to offer money to the police officer. It will cause you more trouble

# Crosswalks

- Use great caution at crosswalks. A crosswalk is clearly marked area where pedestrians are allowed to cross the street.
- Pedestrians have an absolute right of way. You must stop for them.
- Don't pass vehicles stopped at the crosswalk.

# Yield to Emergency Vehicles

- If you are driving past a police car or other emergency vehicle that has stopped on the side of the highway, you must slow down.
- If there is more than one lane available for you to drive in, you must move to the left and leave the lane next to the officer empty, if it is safe to do so.

# Slow Down and Move Over



# Other Driving Considerations

- It is illegal to text while driving.
- While not illegal, avoid using your phone, reading, eating, drinking, putting on make-up or any activity that could greatly impair your driving.
- Parking tickets: Be sure not to let your parking meter expire. In Ann Arbor, parking attendants are quick to give out tickets for expired parking meters. If your driver record shows four or more unpaid parking tickets your driving license will not be renewed.
- Be sure not to park in a no parking zone. Your car may be towed. Usually it is necessary to pay around \$200 to retrieve your car.

# Identity theft

- Be careful and thoughtful about giving out your name, address or social security number. Identity Theft has become an industry. A great deal of information may be accessed about you if someone has access to your name, date of birth and social security number. Read the information at [UM's identity theft page](#) for more information about how to protect yourself against identity theft.

# Fraud and Scam Issues

- Beware of any number of phone and computer scams that may contact you with an “emergency” that requires you to give personal information, passwords, information or money to fix the problem.
- The university, banks, and governmental agencies will not contact you by phone or by computer asking for information or demanding payment to fix an issue.
- Do not respond to the caller or sender; contact the university, bank or governmental agency to report a possible fraud.
- Other resources:
  - <https://www.ftc.gov/>
  - <http://www.michigan.gov/ag/0,4534,7-164-17337---,00.html>
  - <https://studentlegalservices.umich.edu/>
  - <https://internationalcenter.umich.edu/department-homeland-security-warns-public-about-phone-call-fraud>

# Digital Copyright Violations

- Downloading, uploading, or streaming files (file sharing) of copyright protected works is illegal under US Copyright Law.
- Having Peer to Peer (P2P) software and engaging in file sharing may expose you to copyright violations.
- US copyright law provides for a minimum of \$750 in civil damages per copyright violation.
- Members of the UM campus community continue to receive DMCA take-down notices and pre-litigation settlement offers for alleged copyright violations stemming from P2P file sharing.

# Digital Copyright continued

- Avoid liability by not using any P2P software or apps. If you do use such software for legitimate reasons, make sure you thoroughly understand how to operate and change default settings. Do not use on campus. Do not allow the P2P to share music or video files you already own. Limit sharing only to files that: (1) are in the public domain; (2) for which you have permission to share; and/or (3) are made available under pro-sharing licenses, such as the [Creative Commons](#) license or other open media licenses.

# Finally . . .

- This presentation is not intended to be a substitute for legal advice. All legal matters are fact dependent. If you have a legal problem please contact Student Legal services at 734-763-9920. You may also drop by our office, 715 N. University, Suite 202, to set up an appointment.
- The service is available to all enrolled students here on the Ann Arbor campus.
- Student Legal Services is an office of the Division Of Student Life.  
<https://studentlegalservices.umich.edu/>

# Workshop Evaluation

[bit.ly/umicorientation](https://bit.ly/umicorientation)

*Your feedback is valuable to us and will help us improve the experience of future participants. Thank you!*

