

Section:	XI.1.1	
Title:	Alcohol and Other Drug Policy	
Effective Date:	February 25, 2014	
Approved By:	Board of Trustees	
Responsible Unit:	Division of Student Affairs/Office of the Dean of Students (609) 771-2201; sa@tcnj.edu	
Related Documents:	<ul style="list-style-type: none"> • The College of New Jersey Student Conduct Code • The College of New Jersey Guide to Residence Living 	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
4.0	February 25, 2014	Revised
3.0	December 2, 2008	Revised
2.0	October 18, 2005	Revised
1.0	January 1, 2005	New Policy; Initial Release

I. INTRODUCTION

In fulfillment of its mission, The College of New Jersey is committed to providing a campus environment that promotes the safety and well-being of its students, faculty, staff, and visitors. The College regards the abuse of alcohol and the use of illicit drugs as antithetical to its mission. Therefore, TCNJ adheres to restrictions imposed by law and the College's standards of conduct.

II. DEFINITIONS

For the purpose of this policy, the following definitions apply:

A. Alcohol - Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

B. Alcohol and Other Drug Abuse - Alcohol and other drug abuse is the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, and/or marijuana; and/or the use of prescription drugs in a manner that is inconsistent with the direction of the prescribing medical professional.

C. College - Means The College of New Jersey.

D. Controlled Substance - A controlled substance is one whose distribution is controlled by regulations or statute. Such substances include, but are not limited to: narcotics, depressants, stimulants, hallucinogens, and cannabis.

E. Drug - Refers to a chemical substance, especially one prescribed by a physician that is used in the diagnosis, treatment, or prevention of a condition or disease. A drug is also a chemical substance, such as a narcotic, that affects the central nervous system and is used recreationally for perceived desirable effects on personality, perception, or behavior. Drugs purchased without a prescription may include headache medicines, cough syrups, and similar mild medications, and can be purchased at virtually any pharmacy or retail store. For purposes of this policy, the term "drug" also includes any other chemical substance, compound or combination when used to induce an altered state, and any otherwise lawfully available product when used for any purpose other than its intended use when such use may cause harm to oneself or others.

F. Drug Paraphernalia - Drug paraphernalia is defined as all equipment, products, and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance, including roach clips, bongs, pipes, etc.

G. Illicit Drugs - These are drugs that are imported, grown, or manufactured illegally. All illicit drugs are dangerous and usually imply a degree of dependence, or in some cases, addiction.

H. Mentally Incapacitated - A condition in which a person is rendered temporarily incapable of understanding or controlling his or her conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his or her prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct. (N.J.S.A. 2C:14-1 Definitions)

I. Narcotics - A narcotic is an addictive drug, such as opium or morphine, which reduces pain, alters mood and behavior, and usually induces sleep or stupor.

J. Policy - Means the written regulations, standards, and policies of the College as found in, but not limited to, this policy and an official TCNJ policy website.

K. Prescription Drug - Refers to any substance prescribed by a licensed medical practitioner for individual consumption. It includes prescribed drugs and over-the-counter drugs which may have been legally obtained.

L. Responsible Use - Responsible use of alcohol and other drugs includes compliance with local, state and federal laws and TCNJ Student Conduct Code.

M. Student(s) - includes all persons who are registered for undergraduate courses or maintaining matriculation in an undergraduate degree program at the College, either full time or part time, degree seeking or non-degree seeking, and have an academic record with Primary Academic Web Services (PAWS), the College's records and registration system.

N. Code – Refers to the *Student Conduct Code* and *Graduate Student Conduct Code*

III. POLICY

A. Authority

The Drug-Free Schools and Campuses Regulations requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

In order to certify its compliance with the regulations, the College is required to: (1) prepare a written policy on alcohol and other drugs; (2) develop a sound method for distribution of the policy annually to every student and employee; (3) conduct biennial reviews of the effectiveness of its program and the consistency of sanction enforcement; and (4) maintain biennial review reports and supporting documents on file, available for inspection by the U.S. Department of Education.

B. Standards of Social and Behavioral Expectations

- i. Comply fully with local, state, and federal laws and regulations and the TCNJ Student Conduct Code regarding alcohol and other drug use;
- ii. Recognize and acknowledge the potentially harmful or negative effects of alcohol and other drug abuse or misuse and lend assistance to others in need of help due to a problem relating to these issues; and,
- iii. Seek the appropriate consultation and/or treatment for personal concerns regarding alcohol and/or other drug abuse or misuse.

C. Applicable Legal Restrictions

- i. No member of the College community may possess, manufacture, distribute, or use drugs, narcotics, or controlled dangerous substances and/or paraphernalia containing evidence of such substances except as expressly permitted by law. New Jersey Controlled Dangerous Substance Act, N.J.S.A. 24:21-1 et seq.; N.J.S.A.

2C:36, Generally; Federal Controlled Substances Act.

- ii. A person who is not of legal drinking age (under 21 years of age) may not acquire, possess, or consume alcoholic beverages in any school, public conveyance, public place, place of public assembly or motor vehicle. N.J.S.A. 2C:33-15.
- iii. A person who is of legal drinking age (21 years of age or older) may not give any alcoholic beverage to a person under the legal drinking age, assist or allow an under-age person to acquire or consume any alcoholic beverage, except a parent or guardian of the under aged person if the alcoholic beverage is consumed for religious observance, ceremony or rite N.J.S.A. 2C:33-17; N.J.S.A. 33:1-81.
- iv. No member of the College community may sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission. N.J.S.A. 33:1-2 and Title 33 of the New Jersey Statutes.
- v. No person, regardless of age, may possess an open container of an alcoholic beverage in any motor vehicle. N.J.S.A. 39:4-51a.
- vi. State funds may not be used to purchase alcohol. Circular, State of New Jersey, Department of the Treasury, Office of Management and Budget, No.: 06-14-OMB.
- vii. As a condition of employment on a Federal contract or grant, the employee must a) abide by terms prohibiting the manufacture, distribution, dispensation, and/or possession of a controlled dangerous substance; and, b) and notify the employer within five calendar days if he/she is convicted of a criminal drug violation in the workplace. Drug-Free Workplace Act of 1988.

D. College Policy

- i. No person may consume alcohol or carry alcohol in open containers in any public area except at officially sponsored social gathering of the College or in licensed or approved campus facilities.
- ii. No person may serve, possess, or consume alcoholic beverages in non-residential campus facilities, except at officially sponsored social gatherings of the College or in licensed or approved campus facilities.
- iii. The Guide to Residential Living includes policies and expectations around the possession and use of alcohol and other drugs within the residence halls. No one under the age of twenty-one is permitted to be in the presence of, possess, or consume alcoholic beverages in the residence halls. These residents also may not have empty alcohol containers in their rooms for decoration. The College condones the responsible use of alcohol by those twenty-one or older;

however, any student found abusing alcohol will be held accountable. Residents twenty-one or older are permitted to possess and consume alcohol in the privacy of their rooms, with the door closed, and with no-one under the age of twenty-one present. Residents and guest over the age of twenty-one are NOT permitted to consume alcohol in the presence of those under 21. Within the common areas of an apartment or townhouse, open alcohol is permitted provided all residents and guests are twenty-one or older. No alcohol may be consumed or carried in open containers in any public area of the residence halls. Kegs or beer containers over thirty-two ounces are not permitted. Hosting an event which violates the alcohol policy is considered a serious violation and may result in removal from residence.

- iv. The Student Conduct Code includes expectations that students adhere to all applicable local, state and federal laws regarding the possession and use of alcohol or other drugs. In addition, the Code prohibits the possession or utilization of devices for the rapid, high- risk consumption of alcohol, and the possession of common source containers of alcohol on campus. Hosting the underage consumption of alcohol in a social space, residence hall room, common area, or off-campus space that is occupied by, under the control of, or reserved for the use of a student or organization is also prohibited. The Code prohibits the misuse or misappropriation of any prescription or over-the counter medication or knowingly being in the presence of the *illegal* use of a drug, prescription drug, narcotic, or controlled substance. Finally, excessive use of alcohol resulting in a state of intoxication which endangers oneself or others, or disrupting the campus or off-campus community or engaging in any policy violation while a student is intoxicated or under the influence of a drug is also considered a violation of the Code.
- v. The College's highest priority is the physical and mental health, safety, and well-being of individual students and the campus community. Therefore, no student seeking medical attention by contacting either College or local authorities for intoxication due to alcohol or other drugs (nor a student who seeks medical attention on behalf of the affected student) will be formally charged for the unlawful use or possession of alcohol. Although this does not relieve any student or organization from responsibility for other policy violations that may have occurred prior to seeking medical attention, the effort to seek help for the affected student may be a mitigating factor in sanctioning. Affected students may be required to complete an evaluation or other education program, but will not face disciplinary charges or sanctions as prescribed through the student conduct process.

E. Administrative Responsibility: The Vice President for Student Affairs has overall responsibility to administer, support, and enforce the Alcohol and Other Drug Policy. Any member of the campus community who violates the Alcohol and Other

Drug Policy will be subject to disciplinary action:

- i. A student who violates the Alcohol and Other Drug Policy is subject to referral and adjudication through the student conduct process and applicable local or state legal authorities. Possible sanctions may include community service, referral to the Alcohol and Drug Education Program (ADEP), education mandates, administrative directives, removal from College assigned housing, and suspension or expulsion from the College. The 1998 HEA amendments to The Family Education Rights and Privacy Act (FERPA) of 1974 added an exception that allows institutions of higher education to disclose to a parent or legal guardian information regarding a student's violation of any law or institutional rule or policy governing the use or possession of alcohol if the student is under 21, or the use or possession of a controlled dangerous substance without regard to a student's age, and the institution determines that the student has committed a disciplinary violation with respect to the use or possession.
- ii. A student organization that violates the Alcohol and Other Drug Policy is subject to referral to the applicable student organization conduct process with possible sanctions including a written reprimand, education mandates, restriction, or loss of privileges, and loss of official recognition. Individual members of the student organization may also be referred to the student conduct process for their involvement in the violations pursuant to this section.
- iii. An employee (e.g., faculty and staff) who violates the Alcohol and Other Drug Policy will be referred to the Office of Human Resources for appropriate action consistent with progressive discipline and applicable local, state, and federal law.
- iv. A contractor or vendor performing work on College property found to be in violation of the Alcohol and Other Drug Policy will be subject to sanctions commensurate with the offense consistent with local, state, and federal law, up to and including termination of contract.
- v. A visitor to campus found to be in violation of the Alcohol and Other Drug Policy will be subject to sanctions commensurate with the offense consistent with local, state, and federal law, up to and including removal from College property.