

ALCOHOL AND OTHER DRUG POLICY

Ramapo College of New Jersey is committed to providing a safe and healthy learning environment for all its members and one that maximizes the academic and social development of its students. The College believes that the health and safety of all its members, and especially the academic and social development of its students, is negatively affected by the use of illegal drugs and the abuse and improper consumption of alcohol. It affirms specifically that all students have the right to engage in academic and extracurricular activities without interference from others under the influence of alcohol and/or other drugs. In addition, unlawful and abusive use interferes with the mission of the College in its goals of teaching and learning and through the consequent costs due to crime, property damage, and other risky behaviors. The purpose for this Policy on Alcohol and Other Drugs is to define and communicate to all members of the college community acceptable and unacceptable behavior with regard to alcohol and other drugs and the sanctions for policy violations.

Alcohol Laws

As of January 1, 1983, New Jersey state law prohibited the sale, possession, or consumption of alcohol by individuals under 21 years of age. Ramapo College is a public institution governed by Federal, State, and local laws, and by College regulations. The College complies with municipal and other law enforcement authorities in enforcing these laws as stated below:

State of New Jersey

The purchase and consumption of alcohol is a right extended by the State of New Jersey. The legal age to purchase and consume alcoholic beverages in the State of New Jersey is twenty-one. (N.J.S.A. 9:17b-1)

- A. Possession or Consumption of Alcoholic beverages by persons under legal age (N.J.S.A. 2C:33-15) – Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, or place of public assembly, or motor vehicle is guilty of a disorderly persons offense and shall be fined not less than \$500.
- B. Purchase of Alcohol by/for the Underaged (N.J.S.A. 33:1-81) – An underaged person who purchases or attempts to purchase alcohol, or who mistakes his/her age, or a person of legal age who purchases alcohol for an underaged person faces a conviction of a disorderly persons offense, which incurs a fine of not less than \$500 and loss of license for six months. In addition, underaged persons may be required to participate in a state-sponsored alcohol education program.
- C. Offering Alcoholic Beverages to Underage Person (N.J.S.A. 2C:33-17) – Anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices or encourages that person to drink an alcoholic beverage is a disorderly person. This subsection shall not apply to a parent or guardian of the person under legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages or to a religious observance, ceremony or rite.
- D. Transfer of ID (N.J.S.A. 33:1-81.7) – Someone who is underaged and uses another person's ID card to obtain alcohol, or someone of legal age who gives his/her ID card to an underaged person so that s/he can obtain alcohol, faces a fine of up to \$300 or up to 60 days in jail.
- E. False ID (N.J.S.A. 2C:21-2.1 d) – A person who knowingly possesses a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's

identity or age or any other personal identifying information is guilty of a crime in the fourth degree.

F. Host/Hostess Liability – Under a 1984 New Jersey Supreme Court decision, Kelly vs. Gwinnell, a host or hostess who serves alcoholic beverages to a guest, knowing that the guest is intoxicated and will soon be driving, can be held liable for injuries inflicted on a third party if that guest is involved in a motor vehicle accident.

G. Driving While Intoxicated

1) Operating Motor Vehicles While Under the Influence of Intoxicants (N.J.S.A. 39:4-50)

DEFINITION: A person is said to be legally drunk in New Jersey if his/her blood alcohol concentration is at or above 0.08%.

PENALTIES: All persons convicted of DWI must pay an insurance surcharge of \$1,000 per year for three years. In addition:

- For the first offense, there are additional fines and charges of at least \$500 (bringing the total minimum charges for a first offense to \$3,500); loss of license for 7-12 months; and a requirement to spend 12-48 hours in an Intoxicated Driver Resource Center. A first-time offender also faces a possible 30-day jail term.
- For a second offense, there are additional fines and charges of at least \$720; loss of license for 2 years; a requirement to perform 30 days of community service and to spend 48 hours in an Intoxicated Driver Resource Center or jail. Also, there is a possible 90-day jail term.
- For a third offense, additional fines and charges of at least \$1,220; loss of license for 10 years; and a 180-day jail term. The insurance surcharge for a third-time offender is \$1,500 per year for three years. These fines and charges do not include court and legal fees.

2) Driving While License Is Suspended Due to DWI (N.J.S.A. 39.3-40) – If a person is found driving while his/her license is suspended due to a conviction for Driving While Intoxicated, that person upon conviction again shall be fined \$500, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year nor more than two years, and may be imprisoned in the county jail for not more than 90 days.

3) Refusal to Take the Breathalyzer Test (N.J.S.A. 39:4-50.4a) – Refusal to take the breathalyzer test where there is probable cause for arrest for DWI will result in up to 10 year loss of license, a fine of \$300-\$1000, and an obligation to satisfy the requirements of an alcohol education or rehabilitation program. A person can also be convicted of DWI without the results of a breathalyzer test. In that case, s/he will suffer all the additional fines and penalties specified for the DWI conviction.

(Any of the statutes in the 2C:33 chapter which includes underage possession of alcohol and providing alcohol to a minor carries with it a mandatory loss of drivers license from a minimum of 6 months to a maximum of 2 years.)

Township of Mahwah

A. No person shall consume, or offer to another for consumption, alcoholic beverages in, on, or upon any public street, road, alley, sidewalk, park, or playground or in, on, or upon any land or building owned or occupied by the Township, unless otherwise provided under this section. (3-10.1)a.

B. No person shall have in his possession or possess any alcoholic beverage in, on, or upon any public street, road, alley, sidewalk, park, or playground or in, on, or upon any land or building owned or occupied by the Township, unless the alcoholic beverage is in its original sealed container with original unbroken tax stamp or unless otherwise provided under this section. (3-10.1)b.

- C. No licensee or employee of a licensee shall sell, serve, or deliver, directly or indirectly, any alcoholic beverages to any intoxicated person or person under the legal age, or permit the consumption of alcoholic beverages on any licensed premises by any of the above-named persons. (6-4.6)
- D. No licensee shall sell or serve alcoholic beverages to persons under the legal age. (6-5)
- E. It is unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. (6-8)

Alcoholic Beverages at Campus Events

- A. This policy applies to all members of the Ramapo College community and to those who rent or otherwise use space here. It details the Policies and Procedures in force when a sponsoring group wishes to sell or serve alcoholic beverages.
- B. If alcohol is to be served and no money is to change hands, only a College Alcohol Permit is required. A copy of the policy must be obtained in the Office of Events and Conferences (D-104). Sponsors must pick up signed permits in the Office of Events and Conferences where event arrangements will be finalized. All events at which alcohol is to be sold or served must be reviewed by either the College Wide Events Committee or, as appropriate, the Major Events Committee. The Office of Events and Conferences will receive written approval from the Student Affairs Division before any student-sponsored event involving alcohol is approved.
- C. If alcohol is to be sold, or where any transfer of money takes place, the sponsor of the event must secure a Special Permit for Social Affairs from the New Jersey Division of Alcoholic Beverage Control and a Ramapo College Alcohol Permit. The application for the ABC permit must be submitted at least two weeks before the event to their Trenton office, be accompanied by a fee, and have the signatures of authorized College and local officials. The final permit from the New Jersey Alcohol and Beverage Commission must be submitted to the Manager of Facilities Scheduling/Events and Conferences at least 24 hours before the event. Details about how to apply for this permit are available in the Office of Events and Conferences.
- D. Alcohol permits (College and/or N.J. Division of Alcoholic Beverage Control) and a copy of this policy must be prominently displayed at the bar where the alcohol is being dispensed/sold.
- E. New Jersey State law requires that all advertising, tickets, etc., which contain references to the sale of alcohol include the permit number that will be issued.
- F. In cases where students or others under the age of 21 are likely to be present, Public Safety officers and/or Mahwah Police officers will oversee the process of proofing guests; professional bartenders will sell/serve the alcohol at events for which either permit has been obtained. Bartenders are allowed to serve only those wearing wristbands and may request additional proof of age as they deem necessary. No bartender will server anyone who appears intoxicated.
In cases where all guests at an event will be over the age of 21, the sponsor must agree to carefully monitor the events according to this policy to ensure all those who purchase or consume alcohol are of legal age, and that there is no excessive drinking or public drunkenness. In addition, the sponsor must agree to read and become familiar with any other information provided by the Office of Events and Conferences at the time the permit is obtained relating to the monitoring of events at which alcohol is served or sold.
- G. At events where students will be present or where those under the age of 21 are likely to be present, two proofs of identification (Ramapo College picture ID and either a driver's

license, passport, or birth certificate) will be required. In addition, students will be further identified through a computer print-out containing current students' names, student identification numbers, and birth dates. Before obtaining wristbands which authorize students to purchase/consume alcohol at the event, students must sign a statement acknowledging that they have read an attached summary of major rules governing events at which alcohol is served or sold.

- H. Student guests who are not Ramapo College students and wish to attend a College event at which alcohol is to be dispensed/sold, must be hosted by a Ramapo student with a current valid College ID. The host must be present at the time the guest wishes to enter the event and understand that he/she will be held responsible for the actions of the guest. Hosted guests must present two forms of identification, including one with a photograph and date of birth, and print and sign their names on the list at the entrance to the event. The Ramapo College host will be required to legibly sign the list next to the guest's name.
- I. At events for which alcohol permits have been obtained and underage persons are expected, the alcohol service area will be roped off or otherwise demarked from the general event area. Alcohol may not be removed from the roped off area.
- J. Ramapo College professional staff, and/or Public Safety and/or police personnel must be present at all events at which alcohol is served or sold.
- K. Non-alcoholic beverages must also be served whenever alcohol is served/sold, and must be displayed as openly as the alcohol. Food must be served in adequate amounts when alcoholic beverages are served or sold.
- L. Persons attending events at which alcohol is sold or served may not bring any alcohol to the event. The only alcohol to be consumed at a sanctioned event is to be sold/served by those charged with that responsibility. Persons arriving intoxicated from drinking elsewhere will be barred.
- M. No student activity fee money may be used for the purchase of alcoholic beverages.
- N. Deliveries of alcoholic beverages to the campus may not be made by liquor stores or distributors unless specifically authorized by the President or his/her designee. Deliveries to the residence halls are prohibited.
- O. Events for which an alcohol permit has been issued may not include any kind of a "drinking contest" or "drinking game", or feature any inducements to consume excessive amounts of alcohol. Advertisements for events shall not make reference to the amount of alcohol to be available, nor promote alcohol as a prime feature. There can be no price differential for alcoholic beverages depending on the characteristics of the consumer/purchaser (e.g. "Ladies' Nights", etc.).
- P. Public intoxication/drunkenness is not an acceptable condition for anyone on campus, whether the drinking which led to it took place on or off campus. This includes students, staff, faculty and guests. The identification of such persons at events for which permits have been issued will generally be made by members of the Bartender's Guild, Ramapo College Public Safety Officers or local police officers. A person in this condition may be asked to leave an event. If the person is a student, the student's family or emergency contact may be called to assist. Non-student guests may have a taxi called (at the intoxicated person's expense) to take them to their permanent residence. Those who are intoxicated/drunk and whose behavior is disruptive may have charges filed against them for violations of the College Code of Conduct (students) and/or the appropriate local or State statutes (students, employees and guests). Persons deemed dangerously intoxicated will be transported to a hospital for a medical evaluation at their own expense.

Alcohol in College Residence Halls (Living Units)

1. Alcohol is not permitted within Pine, Linden, Pamela M. Bischoff Hall (Bischoff Hall), Nancy Mackin Hall (Mackin Hall), The Overlook, assigned "dry" living units in Laurel Hall, or other designated "dry" living units in The College Park Apartments or The Village. No one, regardless of age, is permitted to possess or consume alcohol in these areas.
2. At the time of an alcohol violation, all alcohol and containers will be confiscated and properly disposed of regardless of the age of the occupant or the designation of the living unit as "wet" or "dry."
3. Alcohol containers and paraphernalia, including but not limited to empty cans, bottles and cartons, are not permitted as room decorations in any "dry" living unit. Alcohol containers and paraphernalia, including signs, are not permitted as window decorations in any living unit.
4. If a student is of legal drinking age, s/he may transport an alcoholic beverage as long as it is in its original closed container.
5. Kegs, beer balls and multi-quart containers of alcohol are prohibited in the residence areas at all times. Students are not permitted to receive retail deliveries of alcohol.
6. Possession of grain alcohol is prohibited at all times.
7. Consumption of any form of alcohol in an open container, including but not limited to cups, cans, plastic containers or bottles, is prohibited outside a student's living unit and/or in any outside campus area.
8. Residents holding a gathering in their living unit where an alcohol violation is taking place will be considered the hosts. Hosts can be held responsible for injury or damage occurring to any person or to property in which the consumption of alcohol was a contributing factor. Hosts will be subject to disciplinary action and may receive harsher sanctions.
9. Presence in any living unit (room, suite or apartment) where an alcohol violation is taking place, even if not actually in possession of or consuming alcoholic beverages, will result in disciplinary action being taken.
10. Games or activities that encourage excessive drinking or the serving of alcohol that leads to the endangerment of an individual's well being or to clear property damage will not be tolerated.
11. Consumption of alcohol to the point of intoxication, regardless of age, is prohibited. A person in this condition may be asked to leave the campus. If the person is a student, the student's family or emergency contact may be called to assist. Guests may have a taxi called (at the intoxicated person's expense) to take them to their permanent residence. Students will be medically transported to the hospital if dangerous intoxication is suspected by staff members. Consequent hospital expenses are the student's responsibility.

To help students understand what is and what is not permitted under the Alcohol in College Residence Halls Policy, the following examples are given as guidelines. This list is not meant to be descriptive of all possible situations.

Persons under the age of twenty-one MAY NOT:

- Be in possession of or in the presence of alcohol in any living unit.
- Permit persons to bring in or consume alcohol in their living unit.
- Carry opened or unopened alcoholic beverage containers any place on campus.
- Provide alcohol to any persons on campus.
- Possess alcohol displays made up of empty alcoholic beverage containers.

Persons twenty-one and older MAY NOT:

- Consume alcohol outside of a living unit (lobby, hallways, stairwells, grounds, etc.)
- Consume alcohol, as a guest, in a “wet” living unit when a legal age resident is not present.
- Provide alcohol to others under the age of twenty-one.
- Charge in any way for alcohol consumption by others.
- Possess kegs, beer balls or paraphernalia that promotes large consumptions of alcohol.
- Permit underage persons to possess or be in the presence of alcohol in their room/apartment.
- Possess alcohol or alcohol displays within Pine, Linden, Bischoff Hall, Mackin Hall, The Overlook, assigned "dry" living units in Laurel Hall, or any other designated “dry” living units.

Persons twenty-one and older MAY:

- Consume alcohol in their living unit when the living unit is designated as “wet”.
- Consume alcohol in another “wet” living unit if a host is twenty-one or older and is present.
- Carry unopened alcoholic beverage containers on campus (must be packaged and out of plain view.)
- Provide alcohol in their “wet” living unit to others aged twenty-one or older and within the guidelines of the social gathering policy.
- Possess alcohol displays made up of alcoholic beverage containers if all residents are over the age of twenty-one (window decorations are prohibited in ALL living units).

Please note:

Persons who are present, within College Housing, where alcohol is being consumed by those over or under the age of 21 will be presumed to have been drinking or in possession of alcohol if Public Safety, OCAs, RAs or CAs are called to the scene. This is because it is not possible to distinguish who is actually consuming or possessing alcohol on an individual basis where a number of persons are present and without the use of specialized testing equipment used to determine blood alcohol content. College staff are not qualified to operate such equipment.

Minimum Recommended Sanctions For Alcohol Violations

1st violation – not less than a \$100 fine, attendance at Checkpoint (an alcohol education program) or completion of Innerview (an on-line alcohol education program) and possible Parental Notification (refer to Parental Notification policy printed in the Student Handbook).

2nd violation – not less than a \$200 fine, Parental Notification, attendance at Checkpoint, Residence Probation and possible Suspension of Activities Privileges.

3rd violation – not less than a \$400 fine, 10 Community Restitution hours, Parental Notification, referral to the Counseling Center for a Substance Abuse Assessment and possible outside treatment, Disciplinary Probation, Suspension of Activities Privileges, Loss of Campus Housing and possible Suspension from College.

4th violation – Suspension from the College and Parental Notification.

If at anytime a student's consumption of alcohol resulted in serious danger to him/herself or others, the student may be referred to the Center for Health and Counseling Services for a mandatory individual assessment.

Distribution and/or the sale of alcohol to underage persons will be viewed as an aggravating factor in sanctioning. Other factors to be considered in deciding sanctions shall include present demeanor and past disciplinary record of the student, the nature of the offense, and severity of any damage, injury, or harm resulting from it as perceived by the victim and/or appropriate College officials.

Repeated or aggravated violations of any provisions of this policy may result in expulsion, suspension, or in the imposition of such lesser sanctions as may be appropriate.

Drug Policy

Violations of College rules and/or Federal, State, or local statutes related to the possession, use, or distribution of illegal drugs/substances are treated as very serious matters. Students found responsible through the College judicial system of possession, use, or distribution of illegal drugs/substances on campus or at College-related events can expect serious consequences including loss of privileges, suspension, or expulsion from the College. In certain cases, students' receipt of financial aid will be negatively affected as called for by law.

College officials may inform local or other law enforcement authorities about suspected or known drug violations.

Minimum Recommended Sanctions For Drug Policy Violations

Drug Possession

1st violation - not less than \$200 fine, 20 Community Restitution hours, Parental Notification, formal drug assessment through Center for Health and Counseling Services, possible Suspension of Activities Privileges, possible Loss of Campus Housing and possible Suspension from College

2nd violation – Parental Notification, Suspension from College or possible Expulsion.

Distribution of Drugs (Without Intent of Financial Gain)

1st violation - Parental Notification, Suspension from the College or possible Expulsion

2nd violation - Parental Notification and Expulsion.

Distribution of Drugs (With Intent of Financial Gain)

1st violation – Parental Notification, and Expulsion.

Factors to be considered in deciding sanctions shall include present demeanor and past disciplinary record of the student, the nature of the offense, and severity of any damage, injury, or harm resulting from it as perceived by the victim and/or appropriate College officials.

Repeated or aggravated violations of any provisions of this policy may result in expulsion, suspension, or in the imposition of such lesser sanctions as may be appropriate.

Parental Notification for Student Violations of the Alcohol and Other Drugs Policy

A 1998 amendment to The Family Education Rights and Privacy Act of 1974 authorizes higher education institutions to inform a parent or legal guardian of any student under age 21, who has been found in violation of any federal, state or local law or any rule or policy of the institution governing the use or possession of alcohol or controlled substances.

The Office of Judicial Affairs will notify parents/guardians of students under 21 years of age when a student is found responsible¹ for (1) a violation of the drug policy, (2) a second violation of the alcohol policy, and (3) on the first violation of the alcohol policy when one or more of the following occurs:

- The student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- Medical attention to any person, including the student, is required as a result of the student's alcohol related behavior²;
- There is significant property damage;
- The student operates a motor vehicle under the influence of alcohol;
- The incident involves another serious violation of the Code of Conduct or New Jersey Law.

¹ Please Note: Parental notification will only take place after all possible appeal processes have upheld the finding of responsibility for the offense.

² In a situation where a student's health or safety is/was seriously endangered every attempt will be made to notify the parent/guardian immediately.