

## **ALCOHOL AND OTHER DRUG POLICY**

Ramapo College is committed to providing a safe and healthy learning environment for all members and maximizing the academic and social development of students. The College believes that a student's development is negatively affected by the use of illegal drugs and the irresponsible consumption of alcohol. All students have the right to engage in curricular and co-curricular activities without interference from others who are under the influence of alcohol and/or other drugs. In addition, the unlawful and abusive use of alcohol interferes with the College's goals aligned with teaching and learning. Substance abuse may lead to criminal activity, property damage, and other risky behaviors. The purpose for the Alcohol and Other Drug Policy is to define and communicate, to all members of the College, acceptable and unacceptable behavior with regards to alcohol and other drugs and the sanctions for policy violations.

A description of the health risks associated with the use of illicit drugs and the abuse of alcohol can be found within the following online publication "The Public Safety Department Policies and Practices Campus Crime and Fire Statistics."

<http://www.ramapo.edu/publicsafety/>

The above mentioned publication also includes a description of how to explore free, confidential counseling resources on campus. Counseling Services are available to students through the Center for Health and Counseling Services, D-216, (201) 684-7522, or further information can be found online; <http://www.ramapo.edu/counseling/>

### **Alcohol Laws**

As of January 1, 1983, New Jersey state law prohibits 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. 2C 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 Underage (N.J.S.A. 2C:33:1-81) – An underage person who purchases or attempts to purchase alcohol, or who misstates his/her age, or a person of legal age who purchases alcohol for an underage person(s) 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, underage 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. This subsection shall also not apply to any person in his home who is of the legal age to consume alcoholic beverages who offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drive an alcoholic beverage in the presence of and with the permission of the parent or guardian of the person under the legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages.

- D. Transfer of ID (N.J.S.A. 33:1-81.7) – Someone who is underage and uses another person’s ID card to obtain alcohol, or someone of legal age who gives his/her ID card to an underage 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 – A host or hostess who serves alcohol to a minor can be held liable for injuries and damages caused by the minor in a motor vehicle accident. Under a 1984 New Jersey Supreme Court decision, Kelly vs. Gwinnell, a host or hostess who serves alcoholic beverages to an adult guest, knowing that the guest is intoxicated and will soon be driving, can also 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:
    - a. 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 3-12 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.
    - b. For a second offense, there are additional fines and charges of at least \$720 - \$1000; loss of license for 2 years with mandatory installation of an ignition interlock system during and after license suspension; a requirement to perform 30 days of community service and to spend 48 hours in an Intoxicated Driver Resource Center. Also, there is a possible 90-day jail term.
    - c. For a third offense, additional fines and charges of at least \$1,000; loss of license for 10 years with mandatory installation of an ignition interlock system during and after license suspension; 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. Second and subsequent convictions for driving during a license suspension carry additional penalties including revocation of motor vehicle registration.
- 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 driver's 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 or her 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(s) or persons 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**

The Alcoholic Beverages at Campus Events policy applies to all members of the community and to those who rent or otherwise use space at the College. Sections A-O (see below) detail the policies and procedures used when a sponsoring group wishes to sell or serve alcoholic beverages

- A. If alcohol is to be served and no money is changing hands, only a Ramapo College Alcohol Permit is required. A copy of the application must be obtained in the Office of Events and Conferences (D-104) or at <http://www.ramapo.edu/conferences/files/2013/05/153-1.pdf> Permits will be emailed to the sponsor as well as the Public Safety Department and Dining Services. All events at which alcohol is to be sold or served must be reviewed by the Office of Events and Conferences or, as appropriate, the Major Events Committee.

- B. 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 Division of Alcoholic Beverage Control must be submitted to the Director of Scheduling/Events and Conferences at least 24 hours before the event. Details about the State permit process are available in the Office of Events and Conferences.
- C. 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.
- D. 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.
- E. 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 serve anyone who appears intoxicated.
- F. 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 may be further identified through a computer print-out containing current students' names, student identification numbers, and birth dates.
- H. 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.
- I. Ramapo College professional staff, and/or Public Safety Officers and/or police personnel must be present at all events at which alcohol is served or sold.
- J. 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.
- K. 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.
- L. No student activity fee money may be used for the purchase of alcoholic beverages.
- M. 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.

- N. 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.).
- O. 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 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 Code of Conduct (students) and/or the appropriate local or State statutes (students, employees and guests). Persons deemed dangerously intoxicated may be transported to a hospital for a medical evaluation at their own expense.

**Alcohol in College Residence Areas (Living Units)**

1. Alcohol is not permitted within Pine, Linden, Pamela M. Bischoff Hall (Bischoff Hall), Nancy Mackin Hall (Mackin Hall), The Overlook, The College Park Apartments, and assigned alcohol prohibited living units (room, suite or apartment) in Laurel Hall and 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 alcohol allowed or prohibited.
3. Alcohol containers and paraphernalia, including but not limited to empty cans, bottles and cartons, are not permitted as room decorations in any alcohol prohibited 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, they may transport an alcoholic beverage as long as it is in its original sealed 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 or caffeinated alcoholic energy drinks 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 are considered hosts. All residents on the roster who are present during the time of the incident will likely be regarded as the host and subjected to disciplinary actions, including the Interim Suspension process. Residents who are not present at the time of incident but are reported to have been present during the gathering will likely be regarded as the host and subjected to disciplinary actions, including the Interim Suspension process. 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 will receive harsher sanctions.
9. Presence in any living unit 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, contests, or activities encouraging excessive drinking or the serving of alcohol that lead to the endangerment of an individual's well-being or to 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 expenses (ie: hospital and ambulance) are the student's responsibility.
  12. Alcohol allowed housing privileges will be immediately revoked for any living unit found in violation of the Alcohol in College Residence Areas (Living Units) policy. Final status of the living unit will be determined following a disciplinary proceeding in the Office of Student Conduct.

To help students understand what is and what is not permitted under the Alcohol in College Residence Areas Policy, the following examples are given as guidelines. This is not an exhaustive list and only provides examples.

**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.
- Be present on campus or attend college sponsored events while under the influence of alcohol. 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.

**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 an alcohol allowed 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 consumption of alcohol.
- Permit underage persons to possess or be in the presence of alcohol in their living unit.
- Possess alcohol or alcohol displays within Pine, Linden, Bischoff Hall, Mackin Hall, The Overlook, assigned alcohol prohibited living units in Laurel Hall, or any other designated alcohol prohibited living units.
- Engage in high risk drinking behaviors such as smoking alcohol or taking shots of alcohol.

- Participate in any kind of drinking contest or drinking game, or any activity that may lead to the consumption of excessive amounts of alcohol.
- Be present on campus or attend college sponsored events while under the influence of alcohol. 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.

**Persons twenty-one and older MAY:**

- Consume alcohol in their living unit when the living unit is designated as alcohol allowed.
- Consume alcohol in another alcohol allowed living unit if a host is twenty-one or older and is present.
- Carry unopened alcoholic beverage containers on campus (must be sealed and out of plain view.)
- Provide alcohol in their alcohol allowed 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 Officers, On-Call Administrators or Resident Assistants are called to the scene. The rationale for having a policy against underage individuals being “in the presence of” alcohol 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 an individual’s blood alcohol content. Furthermore, staff members are not qualified to operate such equipment.

**Recommended Sanctions for Alcohol Violations**

**Empty Alcohol Containers and Paraphernalia**

The presence of empty alcohol containers in a living unit, use of empty alcohol containers in a decorative manner or the presence of alcohol paraphernalia is prohibited in housing areas where alcohol is not permitted.

1<sup>st</sup> violation – Official Written Warning.

If issued sanctions for Empty Alcohol Containers, subsequent violations will be considered a second violation of the College’s Alcohol Policy and will be subjected to the sanctions for Possession and or Consumption of Alcohol sanctions.

**In the Presence of Alcohol (defined)**

When a student is present where an alcohol violation is taking place, even if not actually in possession of or consuming alcoholic beverages.

1<sup>st</sup> violation –\$100 fine, completion of an online alcohol education program.

If issued sanctions for In the Presence of Alcohol, subsequent violations will be considered a second violation of the College's Alcohol Policy and subjected to 2<sup>nd</sup> violation of Possession and or consumption of Alcohol sanctions.

### **Possession and or Consumption of Alcohol**

1<sup>st</sup> violation –\$200 fine, participation in an alcohol education program (online or in-person, and any follow up required based on results) and possible Parental Notification (refer to Parental Notification policy).

2<sup>nd</sup> violation –\$400 fine, referral to CheckPoint<sup>1</sup>, Residence Probation, Parental Notification and possible Suspension of Activities Privileges.

3<sup>rd</sup> violation –\$800 fine, 10 Community Restitution hours, referral to CheckPoint, Disciplinary Probation, Suspension of Activities Privileges, Suspension of Residence Privileges, Parental Notification, and possible Suspension from the College.

4<sup>th</sup> violation – Suspension from the College and Parental Notification.

### **Consumption of Alcohol: Intoxicated Students (Transported to the Hospital)**

1<sup>st</sup> violation –\$400 fine, referral to CheckPoint, Residence Probation for one full semester, Parental Notification, possible Suspension of Activities Privileges.

2<sup>nd</sup> violation –\$800 fine, 10 hours of Community Restitution, referral to CheckPoint, Suspension of Activities Privileges, Disciplinary Probation, Suspension of Residence Privileges, possible Suspension from the College, and Parental Notification.

3<sup>rd</sup> violation – Suspension or Expulsion from the College.

### **Sanctions for Hosting a Gathering with Alcohol<sup>2</sup>**

1<sup>st</sup> violation –\$500 fine, referral to CheckPoint, Suspension of Residence Privileges for a minimum of one semester, possible Suspension of Activities Privileges, and possible Parental Notification.

2<sup>nd</sup> violation –\$1,000 fine, referral to CheckPoint, Suspension of Activities Privileges, permanent Suspension of Residence Privileges, possible suspension from the College, and possible Parental Notification.

Below are some conditions, not an exhaustive list, the college regards as an inappropriate large gathering and will lead to the termination of the gathering:

- Underage consumption/possession of alcohol is taking place.

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<sup>1</sup> CheckPoint is an in-person Alcohol and/or Other Drug Assessment and Education program conducted by a Substance Abuse (SA) Specialist. After completing the in-person Assessment, a student may be required to attend further education meetings with the SA Specialist.

<sup>2</sup> Please refer to the Organization or Team Affiliated Event Policy

- Underage students are present.
- Inappropriate alcohol (kegs and beer balls) is present.
- Number of persons present exceeds occupancy limits.
- Charging for entry to the gathering is taking place or has taken place.
- A noise violation (after first warning) is taking place or has taken place.
- Disorderly/inappropriate behavior of persons is taking place in and/or outside of apartment/suite/room.
- Alcohol is transported/possessed/consumed within Pine, Linden, Bischoff, Mackin Halls, the Overlook, College Park Apartments (CPA), or any designated alcohol prohibited living areas.
- Evidence to suggest excessive drinking or drinking game(s).
- Any law is being violated.

The host(s) may be Interim Suspended if any of the above conditions exist or if it is deemed necessary by the responding college official. Depending on circumstances, the Interim Suspension may be sustained and the host will not be permitted to return to the residence areas of campus pending the outcome of the formal student conduct hearing process..

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 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.

### **Drug Policy**

Violations of the Code of Conduct and/or Federal, State, or local statutes related to the possession, use, or distribution of illegal drugs/substances are treated as very serious matters. Although New Jersey state law permits the use of medical marijuana, as prescribed by a medical professional, the College prohibits the use, possession, and or distribution of medical marijuana. Students found responsible, through the College's disciplinary process, for the possession, use, or distribution of illegal drugs/substances/medical marijuana on campus or at College-related events can expect serious consequences including loss of privileges, suspension, or expulsion from the College. In certain cases, a student's financial aid or scholarship funds may be negatively affected as called for by law. College officials may inform local or other law enforcement authorities about suspected or known drug violations.

### **Drug Laws**

Ramapo College cooperates with municipal and other law enforcement authorities in enforcing State and Federal laws.

### **State of New Jersey**

- *Leader of Narcotics Trafficking Network*, (N.J.S.A. 2C:35-3) provides penalties for a person found to have acted as an organizer, supervisor, manager or financier of a scheme distributing any Schedule I or II drug.
- *Maintaining or Operating a Controlled Dangerous Substance (CDS) Production Facility*, (N.J.S.A. 2C:35-4) provides that such conduct is a first degree crime punishable by imprisonment and fines.

- *Manufacturing, Distributing, or Dispensing* (N.J.S.A. 2C:35-5) provides that such conduct results in imprisonment and fines.
- *Distribution, Manufacture or Possession with Intent to Distribute Anabolic Steroids* (N.J.S.A. 2C:35-5.1) provides that such conduct is a third degree crime punishable by imprisonment and fines.
- *Using a Juvenile in a Drug Distribution Scheme* (N.J.S.A. 2C:35-6) provides that such conduct is a second degree crime punishable by imprisonment and fines.
- *Drug-Free School Zones* (N.J.S.A. 2C:35-7) provides that any person who distributes, dispenses, or possesses with intent to distribute a controlled dangerous substance within 1,000 feet of school property is guilty of a crime of the third degree.
- *Distribution to Persons Under Eighteen or Pregnant Females* (N.J.S.A. 2C:35-8) provides that such conduct carries a penalty of fines and imprisonment.
- *Strict Liability for Drug-Induced Death* (N.J.S.A. 2C:35-9) provides that such a situation is a first degree crime, same as murder, but no intent need be shown, only that death resulted as a result of the use of a drug supplied by the defendant.
- *Possession, Use, Being Under the Influence, or Failure to Make Lawful Disposition* (N.J.S.A. 2C:35-10) provides that such conduct carries penalties of imprisonment and fines.
- *Imitation Controlled Dangerous Substance (CDS)*, (N.J.S.A. 2C:35-11) provides that dispensing or distributing a substance falsely purported to be a CDS is a third degree crime, and can carry a fine up to \$200,000.

### **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...”

- *Use or Possession with Intent to Use, Narcotic Paraphernalia*, (N.J.S.A. 2C:36-2) provides that such conduct carries a disorderly persons offense.
- *Distribute, Dispense, Possess with Intent to, Narcotics Paraphernalia* (N.J.S.A. 2C:36-3) provides that such conduct is a fourth degree crime.
- *Advertise to Promote Sale of Narcotics Paraphernalia*, (N.J.S.A. 2C:36-4) provides that such conduct is a fourth degree crime.
- *Delivering Paraphernalia to Person Under Eighteen Years* (N.J.S.A. 2C:36-5) provides that such conduct constitutes a third degree crime.
- *Possession or Distribution of Hypodermic Syringe* (N.J.S.A. 2C:36-6) provides that such conduct constitutes a disorderly persons offense.
- *Driving While Intoxicated* (N.J.S.A. 39:4-50) provides that a person who operates a motor vehicle while under the influence of intoxicating ... narcotic, hallucinogenic or habit-producing drugs is subject to the same penalties stated in the State of New Jersey Alcohol Laws section of the Student Handbook, including loss of license, as for a driver who is intoxicated through use of alcohol.
- *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. Second and subsequent convictions for driving during a license suspension carry additional penalties including revocation of motor vehicle registration.

### **Federal Laws**

The Controlled Substance Act (21 U.S.C. 841) makes it a federal crime: (a) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or (b) to create, distribute, or dispense, or possess with intent to distribute or dispense a counterfeit substance.

#### Classification of Controlled Substances

The U.S. Code establishes, and authorizes the U.S. Attorney General to revise as needed, classifications of controlled substances. The drugs are each classified in five “schedules,” Schedule I being comprised essentially of “street drugs” and Schedule V being comprised of drugs with a “low potential for abuse” when compared with drugs in Schedules I-IV. Examples of Schedule I drugs are; heroin, marijuana, synthetic marijuana, and designer labeled bath salts. Cocaine and codeine are Schedule II drugs. Amphetamines and anabolic steroids are Schedule III drugs, while Barbitol is a Schedule IV drug. An example of a Schedule V drug would be a prescription medication with no more than 200 mg. of codeine per 100 grams.

#### Penalties for Violations of Federal Drug Laws

Under US federal law, a first offense of illegal possession of a controlled substance can be punished by jail terms of up to twenty years and minimum fines ranging from \$1,000 to \$5,000. Federal possession and trafficking convictions can also lead to the forfeiture of property (e.g. your car), the denial of federal benefits such as student loans and grants, and a criminal record which may prevent an individual from entering certain career fields.

### **Suspension of Eligibility for Federal Student Aid**

Section 484(r) of the Higher Education Reconciliation Act provides that a student's eligibility for federal student aid be suspended if that student is convicted under federal or state law of any offense involving the possession or sale of a controlled substance (not including alcohol or tobacco). The suspension of eligibility ranges from as much as one year to an indefinite period of time, depending upon the number and type of convictions. A student may regain eligibility early if the conviction is overturned or if he or she completes a drug rehabilitation program that meets certain statutory and regulatory requirements.

## **Recommended Sanctions for Drug Policy Violations**

### **Drug Possession/Possession of Drug Paraphernalia**

1<sup>st</sup> Violation: \$300.00 fine, 20 Community Restitution hours, Disciplinary Probation, referral to Checkpoint, Parental Notification, possible Suspension of Activities Privileges, possible suspension of Residence Privileges and possible Suspension from the College.

2<sup>nd</sup> Violation: Suspension of Residence Privileges, possible Suspension from the College or possible Expulsion, Parental Notification.

**Distribution of Drugs**

1<sup>st</sup> Violation: Suspension from the College or possible Expulsion, and Parental Notification

2<sup>nd</sup> Violation: Expulsion and Parental Notification

Factors to be considered in deciding sanctions shall include the 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.