

## **ALCOHOL AND OTHER DRUG POLICY**

### **INTRODUCTION**

The Westfield State University policy and regulations pertaining to the possession and consumption of alcoholic beverages and the illegal possession, use, distribution, and sale of illicit drugs and controlled substances are designed to: (1) to conform to the state and federal laws; and (2) enhance the health, safety, property, and educational interests of all members of the University community. The purpose of the Alcohol and Other Drug Policy is to promote a campus environment that is compatible with and supportive of academic success and personal growth. A campus atmosphere dominated by overt use and abuse of alcohol and other drugs is contrary to this goal. Accordingly, any violation of the student conduct code and/or a violation of the federal, state, or local laws shall subject the offender to the university disciplinary process and/or to criminal prosecution. In accordance with the Higher Education Amendments of 1998 (Public Law 105-244) the University regulations and laws pertaining to alcoholic beverages and the possession, use, distribution, and sale of illicit drugs shall be strictly and consistently enforced.

Violations of this policy may result in criminal sanctions. Criminal convictions, even if sanctions are minimal, can adversely affect internship and job opportunities, admission to graduate or professional schools, and eligibility for training and financial aid opportunities. The Higher Education Act of 1998 states that students convicted under state or federal law for drug sale or possession will have their federal financial aid eligibility suspended. This includes all federal grants, loans, and work-study programs. Students convicted of drug possession will lose their eligibility for one year; two years for a second offense; and indefinitely for a third offense. Students convicted of selling drugs will be ineligible for two years; and indefinitely for a second offense. Eligibility can be regained through successful completion of an approved drug rehabilitation program. The filing of criminal charges does not prevent the University from imposing its own sanctions in addition to criminal penalties. These sanctions are described within the policy.

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## POLICY – ALCOHOL

### A. GENERAL PROHIBITION

1. No person under the age of twenty-one (21) may possess, use, be under the influence of alcohol, or be in the presence of alcohol or alcohol containers.
2. The delivery, gratuitously or for sale, of alcoholic beverages to a person under the age of twenty-one (21) is prohibited and shall constitute a major infraction of University regulations.
3. Public drunken disorderliness is prohibited on University property or at University sponsored activities or events.
4. Operating a vehicle under the influence of alcohol (to any extent) is prohibited.
5. Intoxication, defined as being under the influence of alcohol to any extent, which results in the involvement University staff, causes a disturbance, or is a danger to persons or property, is prohibited.
6. The possession or use of kegs, the functional equivalent, or any alcoholic containers, which indicate the probability of common source drinking or bar service, on any University property, owned or leased, are prohibited and shall constitute a major infraction of University regulations.
7. Drinking funnels or any similar drinking devices are prohibited.
8. Each resident student of legal drinking age, living in a University apartment or suite where alcohol is permitted, may only bring a restricted amount of alcohol into the apartment or suite in which they live. The alcohol may not be brought anywhere but to the apartment where the student lives. This restricted amount is no more than one case (30 pack or less) of beer or its alcoholic equivalent per week. No other students or non-students may bring alcohol anywhere onto the campus at anytime without authorization from the University.

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9. At any one time, each five or six-person University apartment or suite where alcohol is permitted may contain no more than four cases (30 pack or less) of beer or its alcohol equivalent; each four-person apartment where alcohol is permitted may contain no more than two and two thirds cases (30 packs or less) of beer or its alcoholic equivalent; and each two or three-person apartment where alcohol is permitted may contain no more than two cases (30 packs or less) of beer or its alcoholic equivalent.
10. Alcoholic beverages and/or alcoholic beverage containers are prohibited from all residence hall rooms and all other public areas of the University.
11. Any gathering is prohibited (however large or small) where: a) any violation of the student conduct code occurs, including but not limited to where guest(s) under the age of twenty-one (21) are present; and b) the gathering promotes the binge consumption of alcohol and/or encourages alcohol consumption, such as through drinking games.
12. Open containers of alcoholic beverages (seal broken) are prohibited from all public areas of the University.
13. The manufacturing of any alcoholic beverage is prohibited.
14. Alcoholic beverages shall not be for sale by anyone not licensed by the appropriate authority and shall not be done on campus without authorization from the University.
15. The promotion of and/or solicitation for any event or activity (wherever held) at which alcohol is to be served or made available for consumption and that is not sponsored by the University is strictly prohibited and will be considered a major violation on this policy. Prohibited conduct includes, but is not limited to, the advertisement or other promotion of events at authorized alcohol area establishments when such advertisement or promotion takes place on the University's campus or by means of the University's network (including use of its network for e-mail or any web-based communication), selling or distributing tickets on the University's campus) for any such event, and participation in arranging group transportation for any such

event.

## B. ALCOHOL ENFORCEMENT/SANCTIONS

1. Students over the age of twenty-one (21) who choose to consume alcoholic beverages are responsible for their actions and should such behavior detract from the health, safety, property, and educational interests of all members of the University community will be held accountable through the sanctions process. Students are also responsible for making their guests aware of the alcohol policy and may be held accountable for any inappropriate actions of their guests.
2. All violators of these regulations will be brought before the student conduct system for disposition of their cases and shall be subject to the following sanctions:

First Offense: Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee for these classes will be assessed and made payable within thirty (30) days of a university student conduct procedure decision. Additional sanctions may be given for large amounts of alcohol or disorderly conduct. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

Second Offense: Suspension from University housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.

Third Offense: Suspension from the University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any

recommended follow-up treatment.

**Major Offenses:** The following violations are considered major offenses and shall meet minimally with an immediate suspension from housing for one (1) full academic semester or more.

- a. The possession or use of alcoholic beverage Containers, kegs, or the functional equivalent (whether full, partially full, or empty) as well as any container(s) that indicate the probability of common source drinking of alcoholic beverages or bar service (whether full, partially full, or empty).
  - b. The delivery, gratuitously or for sale, of alcoholic beverages to a person under the age of twenty-one (21).
  - c. The promotion or solicitation of any alcohol related activity that is not sponsored by the University.
3. Additional information regarding the operation and effect of sanctions includes the following:
- a. Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student conduct code.
  - b. Subsequent violations of the alcohol portions of this policy and/or drug portions of this policy referenced in detail below, in any combination whether both alcohol, drug, or any combination of the two within a period of twelve (12) months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) month period has expired, the next violation shall meet with first level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.

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- c. More than four (4) alcohol and/or drug violations or any combination thereof over the course of a student's University career will result in a Limited Expulsion. Limited Expulsion is defined as a removal from the University. Review for readmittance will be granted only after expiration of two calendar years from the time of removal.

## C. GROUP FUNCTIONS

Permission for the use of alcoholic beverages for student group functions on University property or at University related events shall be obtained from the Vice President, Enrollment Management and Student Affairs (their designee) acting on the recommendation of the University Special Events Alcoholic Beverage Review Board. These procedures can be found in the Office of the Vice President, Enrollment Management and Student Affairs.

## POLICY – OTHER DRUGS

### A. DRUG PARAPHERNALIA

1. The use or possession of drug paraphernalia (all equipment, products, devices and materials of any kind that may be used to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance) on the University's campus is strictly prohibited. Any student found in possession of drug paraphernalia and found responsible for such possession shall be placed on University probation for one (1) academic year and shall complete ten (10) hours of participation in community events or a work project and University substance education classes and pay the service fee of \$100 for these classes within thirty (30) days of a University student conduct procedure decision.
2. A student found responsible for a second offense during their University career shall be subject to University housing suspension for one (1) full academic semester or more and completion of a counseling evaluation and any recommended

follow-up treatment.

3. A student found responsible for a third offense during their University career shall be subject to University suspension for one (1) full academic semester or more. Prior to returning to University housing and/or university, the student must provide verification of completion of a counseling evaluation and any recommended follow-up treatment. NOTE: Drug paraphernalia which contains matter that tests positive for an illicit substance may constitute possession (see section C below).

## B. MARIJUANA USE OR POSSESSION

1. As marijuana is not allowed to be possessed or used under Federal law, the use and/or possession of marijuana, including marijuana prescribed for medical purposes, on any University property, owned or leased, is prohibited. Any student found responsible for use or possession of marijuana shall be subject to the following sanctions:

### First Offense:

Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee will be assessed and made payable within thirty (30) days of a college student conduct procedure decision. Additional sanctions may be given for large amounts of marijuana. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

Completion of a counseling evaluation within sixty (60) days of a student conduct procedure decision is also required.

### Second Offense:

Any student found responsible for a second offense shall be suspended from housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from

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housing will be able to return to campus to live after their suspension is complete.

### Third Offense:

Suspension from University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

2. Additional information regarding the operation and effect of sanctions includes the following:
  - a. Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student conduct code.
  - b. Subsequent violations of the alcohol and/or marijuana portions of this policy in any combination whether both alcohol, both marijuana, or any combination of the two within a period of twelve (12) months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) month period has expired, the next violation shall meet with first level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.
  - c. More than four (4) alcohol and /or marijuana violations or any combination over the course of a student's University career will result in a Limited Expulsion from the University.
  - d. Students who are held accountable for use of marijuana in the residence halls may also be subject to additional sanctions for violations of the University's Residence Hall Policy and Smoke, Tobacco and Marijuana Free Policy.



## C. OTHER DRUG USE OR POSSESSION

1. Any student found in possession of marijuana, an illegal drug substance in any amount, no matter how minimal the amount, or prescription medication without a prescription, or found to be using such marijuana, illicit drug substances, or inappropriate use of prescription drugs and found responsible of such possession or use shall (this applies only to first-time offenders) be suspended from housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. In addition, the student will complete ten (10) hours of participation in community events or a work project and University substance education classes and be assessed a \$100.00 service fee for these classes made payable within (30) days of a University disciplinary procedure decision.
2. Any student found responsible for a second offense of possession or use of marijuana, an illegal drug substance, or inappropriate use of prescription drugs during their University career shall be suspended from the University for one (1) academic year or more with the possibility of returning to the University pending completion of a counseling evaluation and any recommended follow-up treatment, and by the decision of the Vice President, Student Affairs with no right of return after a third offense.

## D. POSSESSION WITH INTENT TO SELL OR DISTRIBUTE

1. Any student found responsible for possession with intent to sell or distribute any prescription drugs, marijuana or any illegal substance will be expelled from the University with no right of return.
2. Evidence indicating possession with intent to sell or distribute any prescription drugs, marijuana or any illegal substance may include, but not limited to, possession of a large amount of prescription drugs, marijuana or any illegal substance, and/or possession of any amount of prescription drugs, marijuana or any illegal substance combined with other evidence indicating intent to sell or distribute such as weighing devices, cash boxes,

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bank rolls/large sums of money, cultivating equipment, chemicals used in the manufacture of illicit substances, plastic bags or other quantifying devices.

## E. DRUG SALE OR DISTRIBUTION

Any student found responsible for the sale or distribution of prescription drugs, marijuana or any illegal substances on the Westfield State University campus will immediately be expelled from the University with no right of return.

## F. SMOKE, TOBACCO AND MARIJUANA FREE CAMPUS

1. Smoking and/or the use of tobacco and/or marijuana products will not be permitted on any University property or University leased property including buildings, grounds, walkways, parking lots, wooded areas and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of tobacco cigarettes only may be allowed in designated areas approved by the University President and marked by appropriate signage.
2. Smoking and/or the use of tobacco and/or marijuana products in University owned or leased vehicles is prohibited. Smoking and/or the use of tobacco and/or marijuana products is also prohibited in personal vehicles when those vehicles are on University property.
3. The use of edibles, THC pills and vaporizer devices including, but not limited to, hookah pens, marijuana pens and e-cigarettes is prohibited on all University property or University leased property as described in #1 above.
4. All campus constituents have a collective responsibility to promote the safety and health of the campus community and, therefore, share in the responsibility of policy compliance. Individuals observed smoking and/or using tobacco or marijuana in any form in violation of this policy, are to be reminded, in a professional and courteous manner, of the University policy.
5. Students in violation of this policy shall be referred to the University student conduct system for disciplinary proceedings for repeated

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offenses. Employees in repeat violation of this policy will be referred to Human Resources.

6. To assist those who wish to stop their personal use of tobacco and/or products, the Human Resources Department, the Health Services Department, the Counseling Center and the Employee Assistance Program (EAP) can direct employees and students to tobacco cessation programs which the University might provide.
7. Any questions regarding the interpretation of this Policy rest within the authority of the Vice President, Enrollment Management and Student Affairs (for students) and the Associate Vice President for Human Resources, Title IX and Equal Opportunity (for employees).

## **POLICY – ALCOHOL AND DRUG GUIDELINES**

### **A. ADDITIONAL GUIDELINES**

1. Consistent with the Family Educational Rights and Privacy Act, the University will notify the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for University alcohol and/or other drug policy violations. The University shall exercise discretion not to notify parents/guardians based on documented evidence of an abusive family situation.
2. For the purpose of this policy, the University's "campus" is defined as all buildings (owned, leased, or operated by the University) and all surrounding outdoor property (owned, leased, or operated by the University), including but not limited to parking lots, grass, sidewalks, and forested land.
3. Intoxicated persons shall be subject to police intervention including protective custody, arrest, or other appropriate action. All costs for providing required monitors for intoxicated students and/or their guests will be billed to the student.
4. In any situation that the University deems to be an emergency, such as a situation where a student is arrested, placed in protective custody, or transported to a medical facility due to

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incidents related to alcohol and/or drug consumption, the University may notify a parent/legal guardian/emergency contact or other persons.

5. In the event that a student is suspended from University housing or from the University for any disciplinary infraction(s), including but not limited to, alcohol or other drug infractions, no refund will be given to the student, for any University fees or tuition, unless otherwise specified by federal law, state law, or University policy.
6. In the event that University staff deems a resident to be intoxicated, the student may be asked to return to his/her room, may be asked not to leave the residence hall, may be escorted to another hall in which he/she resides, or may be given other appropriate instructions. Failure to comply with legitimate staff requests/ instructions shall result in student conduct action.
7. Any backpack, bag or similar container that anyone carries onto campus shall be subject to inspection and search by a member of the University staff whenever there exists reasonable suspicion that the container is being used to bring onto campus any alcoholic beverage or other material in violation of University policy.
8. The following chart outlines sample alcoholic equivalents of one case (30 pack) of beer:

## UNITS OF MEASURE

TYPE OF ALCOHOL	Ounces	Quarts	Liters
100 proof	30	1	1
80 proof	36	1	1
40 proof	72	2	2
Wine			3.75 liters or 5 bottles at 750 ml

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## **POLICY AMNESTY**

The University recognizes that there may be alcohol or drug-related medical emergencies or other safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others. The University encourages students to seek emergency medical assistance when faced with an alcohol or drug-related emergency and in any situation where a reasonable person believes medical treatment to be appropriate. When a student aids an intoxicated or impaired individual by contacting the Westfield State University Police Department or the Department of Residential Life, it is up to the discretion of the Dean of Students, or designee to determine if any involved parties, Student Organizations or Unrecognized Student Organizations will be subject to disciplinary action. University officials may elect not to pursue disciplinary proceedings against a student who, in good faith, reports, witnesses, or possesses personal knowledge of others who are incapacitated due to alcohol or other drug use. This does not preclude disciplinary action regarding other violations of university standards such as causing or threatening physical harm, damage to property, harassment, hazing, or violations of the Title IX Sexual Harassment Policy. Students who are transported to a local hospital, placed in protective custody, or evaluated as a result of the abuse of alcohol or other drugs will be contacted by a University official to meet to discuss the incident.

## **REVIEW**

The responsibility for the formation of future Alcohol and Other Drug Policies and for annual review of existing policies shall rest with the Substance Abuse Advisory Committee and the Vice President, Enrollment Management and Student Affairs, whose recommendations shall be forwarded to the Student Government Association for consultation, and to the University President for review and implementation. All matters involving student personnel policies, including the Alcohol and Other Drug Policy, rest in the ultimate authority of the President and the Board of Trustees of the University.

Dissemination of this policy shall include inclusion in the Student Handbook, the University Catalog, and other appropriate publications, discussion at all orientations of new and transfer students, and regular review and dissemination by Residential Life and Student Affairs staff.