

ALCOHOL AND OTHER DRUG

INTRODUCTION

The Westfield State University policy and regulations pertaining to the possession and consumption of alcoholic beverages and the possession, use, distribution, and sale of illicit drugs are designed (1) to conform to the state and federal laws and/or (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.

POLICY – ALCOHOL

A. GENERAL PROSCRIPTIONS

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. Drunken disorderliness is prohibited.
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 involves University staff, causes a disturbance, or is a danger to persons or property, is prohibited.
6. The possession or use of kegs, punch bowls, beer balls, the functional equivalent, or any alcoholic containers, which indicate the probability of common source drinking or bar service, 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 where alcohol is permitted, may only bring a restricted amount of alcohol into the apartment in which he/she lives. 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.
9. At any one time, each five or six-person university apartment 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 areas where alcohol is prohibited.

11. Any gathering is prohibited (however large or small) where: a) alcohol or alcohol containers are present; and b) 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.
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.
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 area alcohol 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 (whether on or off the University's campus) for any such event, and participation in arranging group transportation for any such event.

B. ALCOHOL ENFORCEMENT/SANCTIONS

1. 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 such as kegs, beer balls, or the functional equivalent (whether full, partially full, or empty) as well as punch bowls or any container(s) that indicate the probability of common source drinking 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.
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 months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve 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 thereof over the course of a student's University career will result in a Limited Expulsion from the University.

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, Student Affairs (his/her 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, Student Affairs.

POLICY – OTHER DRUGS

A. DRUG PARAPHERNALIA

1. The use or possession of drug paraphernalia on the Westfield State University 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. 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 B 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

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 months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve 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 of either 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 and Tobacco Free Policy.

C. OTHER DRUG USE OR POSSESSION

1. The Westfield State University Board of Trustees in upholding state laws and regulations and in supporting the mission of the University requires its agents to enforce university regulations regarding the unlawful use or possession of controlled substances and drugs on the Westfield State University campus. Any student found in possession of marijuana an illegal drug substance in any amount, no matter how minimal the amount, or found to be using such marijuana illicit drug substances 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 or an illegal drug substance 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 (This section applies to all drugs including marijuana)

1. Any student found responsible for possession with intent to sell or distribute any prescription or 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 or illegal substance may include, but not limited to, possession of a large amount of prescription or illegal substance, and/or possession of any amount of prescription or illegal substance combined with other evidence indicating intent to sell or distribute such as weighing devices, cash boxes, 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 (This section applies to all drugs including marijuana)

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

F. SMOKING AND TOBACCO PRODUCTS

1. Smoking and/or the use of tobacco 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 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 products in University owned or leased vehicles is prohibited. Smoking and/or the use of tobacco products is also prohibited in personal vehicles when those vehicles are on University property.
3. The use of 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, in any form, 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 offenses. Employees in repeat violation of this policy will be referred to Human Resources.

6. To assist those who wish to stop the use of tobacco 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, Student Affairs (for students) and the Assistant Vice President for Human Resources (for employees).

G. PRESCRIPTION DRUGS

While Westfield State University regulates the consumption of alcoholic beverages and prohibits the use of marijuana or other illicit drugs, the university in promoting an environment directed toward wellness, recognizes that other legal substances may be used in harmful and abusive ways. In an effort to promote personal growth and problem solving without the use or abuse of substances, Westfield State University strongly discourages the abuse of any over the counter substances or prescription drugs. If the university has reasonable cause to believe that a student is abusing such drugs, the university may require the student to complete a counseling evaluation and any recommended follow-up treatment.

POLICY – ALCOHOL AND DRUG GUIDELINES

A. ADDITIONAL GUIDELINES

1. Students are responsible for informing their guests of the University's Alcohol and Other Drug Policy prior to any campus visit. Any student will be held strictly accountable for an alcohol and/or drug violation when their guest violates the Alcohol and Other Drug Policy. Guests are defined as any person visiting the student whether or not the guest has signed in to the residence halls through official procedures.
2. Consistent with the Family Educational Rights and Privacy Act, the University shall 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.

3. For the purpose of this policy, Westfield State University "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.
4. 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.
5. The University shall have the option to mandate that a student attend substance abuse counseling/education for assistance.
6. 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 incidents related to alcohol and/or drug consumption, the University may notify a parent/legal guardian/or other persons
7. 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.
8. 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.
9. 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 reason to believe that the container is being used to bring onto campus any alcoholic beverage or other material in violation of university

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10. In the event a guest, visitor, or non-student is deemed to be intoxicated by University staff, the host and guest shall be asked to remain in the residence hall until Public Safety personnel have determined if the intoxicated person is in a safe condition to leave the residence hall or have arranged for the person's removal.
11. Students are cautioned that the possession or use of a false driver's license or a false Massachusetts liquor purchase identification card is a criminal offense. A student alleged to be in violation of Massachusetts General Law, Chapter 90, Section 24B (possession or use of false driver's license) or Chapter 138, Section 34B (possession or use of a false Massachusetts liquor purchase identification card) shall have the matter referred to the local district court or motor vehicle registry in addition to the student conduct system.
12. Students are encouraged and expected to seek help from the Public Safety, Residential Life, or Health Services staff when they witness others who are incapacitated due to alcohol or other drug use.
13. 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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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, 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 Bulletin, 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.