

**THE COLLEGE OF NEW JERSEY
ALCOHOL AND OTHER DRUGS POLICY
2008**

A. ALCOHOL AND OTHER DRUGS POLICY

In fulfillment of its mission, The College of New Jersey is committed to providing a campus environment that promotes the safety and well-being of its students, faculty, and staff. While recognizing that the responsible and lawful use of alcohol and other drugs is socially acceptable in our society, the College regards the abuse of these substances and the use of illicit drugs as antithetical to its mission. Therefore, TCNJ permits the use of alcohol and other drugs only in a manner that is responsible and adheres to restrictions imposed by law and the College's standards of conduct, and prohibits the possession, use, and/or distribution of illegal drugs on the College's property or as part of any of its activities.

B. Purpose

This policy was revised by the Committee on Student and Campus Community, the designated governance body, in consultation with TCNJ's Commission on the Prevention of Alcohol Abuse and in compliance with federal regulations.

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

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

Fulfilling the Purpose of the Policy

To fulfill the purpose of this policy in promoting safe and legal behavior regarding the use of alcohol and other drugs, The College of New Jersey has established standards of social and behavioral expectations that promote a healthy, safe and caring community, and that nurture a campus culture in which the values of safety and well-being, individual and shared responsibility, moderation, and respect for self and others are the norm; supporting a vibrant intellectual community where academic excellence and personal success thrive.

To this end, the College commits to:

1. Place the highest priority on the physical and mental health, safety and well-being of individual students and the campus community;
2. Create a supportive social environment for those who choose not to drink;
3. Emphasize responsible citizenship as a key feature of this policy and the overall educational experience at The College of New Jersey;
4. Create a proper balance between protecting the health and safety of individual students who drink and/or use other drugs, and protecting the campus community from those who drink and/or use other drugs irresponsibly;
5. Educate students and the community about the personal risks and the risks to others (physiological, psychological, emotional, familial, and social) of alcohol and other drug abuse or misuse;
6. Provide assistance, resources, and options for those who identify that they are at risk for alcohol and/or other drug abuse or misuse, or who are concerned about risk to another; publicize and promote counseling, referral, and treatment options for those members of the campus community;
7. Employ marketing strategies based on models identified in the U.S. Department of Education's "Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators," such as: distributing the Alcohol and Other Drugs Policy as widely as possible, and incorporating the policy into frequently read documents;
8. Distribute the policy annually to each student by the Vice President for Student Affairs, and to each employee by Associate Vice President for Human Resources. The Vice President for Student Affairs is responsible for ensuring that all students who enroll at the College during the period between annual distributions are notified of the policy, and the Associate Vice President for Human Resources is responsible for ensuring that all new employees who are employed during this period are notified of the policy.
9. Conduct biennial reviews of the policy in accordance with the requirements of the *Drug-Free Schools and Campuses Regulations*. Reviews are coordinated by the Assistant Vice President for Student Services or his/her designee and are to be undertaken by a representative committee. Biennial review reports are retained in the Office of the Vice President for Student Affairs, and copies are filed by the Vice President for Student Affairs with the College's Office of General Counsel.

C. Definitions

Alcohol

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

Alcohol and other Drug Abuse

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

Controlled Substance

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

Drug

A drug is a chemical substance, especially one prescribed by a physician, that is used in the diagnosis, treatment, or prevention of a condition or disease. Drugs are prescribed for a limited amount of time, as for an acute infection, or on a regular basis for chronic disorders, such as hypertension. Prescription drugs include Valium, Morphine, and Benzodiazepines (sleeping pills).

A drug is also a chemical substance such as a narcotic that affects the central nervous system and is used recreationally for perceived desirable effects on personality, perception, or behavior. Many recreational drugs are used illicitly and can be addictive. Drugs purchased without a prescription may include headache medicines, cough syrups, and similar mild medications, and can be purchased at virtually any pharmacy or retail store. Common examples are: Panadol, Aspro, Vick's Cough Syrup, alcohol, and nicotine (cigarettes).

Drug Paraphernalia

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

Illicit Drugs

These are drugs that are imported, grown, or manufactured illegally. All illicit drugs are dangerous and usually imply a degree of dependence, or in some cases, addiction. Examples are: heroin, cocaine, amphetamines, ecstasy, marijuana, meth, and LSD.

Mentally Incapacitated

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

Narcotics

A narcotic is an addictive drug, such as opium or morphine, which reduces pain, alters mood and behavior, and usually induces sleep or stupor. Natural and synthetic narcotics are used in medicine to control pain.

Prescribed Drug

A prescribed drug (or prescription drug) is any substance prescribed by a licensed medical or dental practitioner for individual consumption. It includes prescribed drugs and over-the-counter drugs which may have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Responsible Use

Responsible use of alcohol and other drugs includes compliance with local, state and federal laws and TCNJ Guidelines and Standards of Social and Behavioral Expectations. It also includes an awareness of the impact of alcohol and/or other drugs on one's self and the care to protect against potential ill effects of use.

D. STANDARDS OF SOCIAL AND BEHAVIORAL EXPECTATIONS

It is the expectation of the College that each member of our campus community will:

1. Convey positive, consistent messages about responsible alcohol and other drug use, and model responsible and legal behavior at all times regarding alcohol and other drug use;
2. Become informed about the potentially harmful or negative effects of alcohol and other drug abuse or misuse (see Appendix A: Educational Information);
3. Exercise moderation in the legal possession and consumption of alcohol;
4. Comply fully with local, state, and federal laws and regulations and College guidelines and procedures regarding alcohol and other drug use;
5. Care for his or her own safety, health, and well-being, and refrain from behaving in any manner that compromises the safety, health, or well-being of any member of the College community;
6. Help ensure the safety and well-being of the entire College community by recognizing and acknowledging the potentially harmful or negative effects of

alcohol and other drug abuse or misuse and responding to lend assistance to others in need of help due to a problem relating to these issues; and

7. Seek the appropriate consultation and/or treatment for personal concerns regarding alcohol and/or other drug abuse or misuse from either on-campus resources (see Appendix A: Educational Information), or off-campus resources.

Note: In addition to these social and behavioral expectations, it is important to note that being under the influence of alcohol or other drugs is not an excuse for violation of any College policy, procedure, guideline, or standard and does not reduce an individual's accountability.

E. COLLEGE GUIDELINES

The following College Guidelines apply generally to all members of the campus community:

1. No person may consume alcohol or carry alcohol in open containers in any public area without the receipt of an alcohol permit. (See TCNJ's College Alcohol Permits at www.tcnj.edu/~cms/docs/alcohol_permit_guide.pdf for exceptions.)
2. No person may serve, possess, or consume alcoholic beverages in non-residential campus facilities, except at officially sponsored social gatherings of the College or in licensed or approved campus facilities.

Specific College Guidelines to implement the Alcohol and Other Drugs Policy may differ across departments or areas of the College, e.g., Residential Education and Housing, Athletics and Recreation, and Conference and Meeting Services; however, it is understood that all such guidelines must be consistent with the spirit of the overarching Alcohol and Other Drugs Policy, and the Standards of Social and Behavioral Expectations, and must be in compliance with federal, state and local laws. Each member of the campus community is responsible for becoming familiar with the applicable guidelines for each department or area of the College. These guidelines may be accessed at <http://www.tcnj.edu/~sa/ade/policy.html> under "Alcohol and Other Drug Policy Guidelines."

College personnel should refer to the Human Resources Policies and Procedures at <http://www.tcnj.edu/~hr/policies/> for additional policies, guidelines and procedures.

F. LEGAL RESTRICTIONS

1. No member of the College community may possess, manufacture, distribute, or use drugs, narcotics, or controlled dangerous substances and/or paraphernalia containing evidence of such substances except as expressly permitted by law. *New Jersey Controlled Dangerous Substance Act, N.J.S.A. 24:21-1 et seq.; N.J.S.A. 2C:36, Generally; Federal Controlled Substances Act.*

2. A person who is not of legal drinking age (under 21 years of age) may not acquire, possess, or consume alcoholic beverages in any school, public conveyance, public place, place of public assembly or motor vehicle. *New Jersey Statutes Annotated (N.J.S.A.) 2C:33-15.*
3. A person who is of legal drinking age (21 years of age or older) may not give any alcoholic beverage to a person under the legal drinking age, assist or allow an under-age person to acquire or consume any alcoholic beverage, except a parent or guardian of the under aged person if the alcoholic beverage is consumed for religious observance, ceremony or rite *New Jersey Statutes Annotated (N.J.S.A.) 2C:33-17; N.J.S.A. 33:1-81.*
4. No member of the College community may sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission. N.J.S.A. 33:1-2 and *Title 33 of the New Jersey Statutes, Generally.*
5. No person, regardless of age, may possess an open container of an alcoholic beverage in any motor vehicle. *New Jersey Statutes Annotated (N.J.S.A.) 39:4-51a.*
6. State funds may not be used to purchase alcohol. Circular, State of New Jersey, Department of the Treasury, Office of Management and Budget, No.: 06-14-OMB.

Note: Please refer to Appendix B: Applicable Federal, State, and Local Laws for more detailed information regarding legal restrictions pertaining to alcohol and other drugs.

G. ADMINISTRATIVE RESPONSIBILITY AND CONSEQUENCES

Administrative Responsibility

The Vice President for Student Affairs has overall responsibility to administer, support, and enforce the Alcohol and Other Drugs Policy. Additional personnel involved in the administration, support, and/or enforcement of the policy include, but are not limited to, staff from the Alcohol and Drug Education Program, Community Standards, College Advancement, Athletics and Recreation, Student Activities, Residential Education and Housing, Campus Police, Dining Services, Student Health Services, Human Resources, Anti-Violence Initiatives, Counseling and Psychological Services, and Academic Affairs.

Consequences

Upholding the law and creating a health-promoting normative environment are not mutually exclusive. Within this environment, individuals make choices regarding the responsible use of alcohol and other drugs.

Any member of the campus community who violates the College's Alcohol and Other Drugs Policy will be subject to disciplinary action. See <http://www.tcnj.edu/~sa/adeppolicy.html> under "Alcohol and Other Drugs Policy Guidelines," which includes sanctions pertaining to violations the Alcohol and Other Drugs Policy.

1. A student who violates the TCNJ Alcohol and Other Drugs Policy is considered to have violated the Student Judicial Structure and is subject to sanctions commensurate with the offense consistent with local, State and Federal law, up to and including removal from College assigned housing, expulsion from the College and referral for prosecution, as well as the possibility of revocation of privilege to consume alcohol on campus and/or to attend College-sponsored events at which alcohol will be served or consumed. Referrals to the TCNJ Alcohol and Drug Education Program (ADEP) and/or Counseling and Psychological Services (CAPS) may be required.

The 1998 HEA amendments to The Family Education Rights and Privacy Act (FERPA) of 1974 added an exception that allows institutions of higher education to disclose to a parent or legal guardian information regarding a student's violation of any law or institutional rule or policy governing the use or possession of alcohol if the student is under 21, or the use or possession of a controlled dangerous substance without regard to a student's age, and the institution determines that the student has committed a disciplinary violation with respect to the use or possession. The College of New Jersey chooses to apply this exception and corresponds with the family of a student who meets the established criteria, in an effort to partner with the family to assist the student.

2. A student organization that violates the TCNJ Alcohol and Other Drugs Policy is subject to sanctions commensurate with the offense consistent with local, State and Federal law, up to and including a written reprimand, restriction, or loss of privileges, and loss of official recognition. Referrals to the TCNJ ADEP and or CAPS may be required. Individual members of the group may also be individually sanctioned for their involvement in the violations pursuant to this section.
3. TCNJ employees (faculty and staff) who violate the College's Alcohol and Other Drugs Policy will be referred to the TCNJ Office of Human Resources for appropriate action.
4. Contractors and/or vendors who are engaged by the College and who violate the TCNJ Alcohol and Other Drugs Policy will be referred to the relevant program or project manager for appropriate action.

APPENDIX A: EDUCATIONAL INFORMATION

The College of New Jersey believes in the transformative power of education and is committed to fostering the development of students as whole persons. In addition, the College believes that students must be fully knowledgeable and aware of the effects and consequences of alcohol and other drug abuse or misuse in order to make informed and responsible decisions. In this regard, the following educational information is provided as a basic tool to students. For more information, alcohol and drug fact sheets can be found at:

- www.nationalalcoholcreeningday.org/infofaq/alcohol.aspx; and
- www.tcnj.edu/~sa/adept/factsheets.html.

Also included below is information about the availability of resources for protecting the health and safety of students (including information about confidential on- and off-campus resources to seek help addressing issues related to alcohol and drug abuse or misuse).

Potential Risks of Alcohol and Other Drug Use and Abuse

Many physical, psychological, behavioral, and emotional health risks can result from the use of alcohol and other drugs. Here is a snapshot (nationally) of the risks involved in excessive and underage drinking that affect virtually all college campuses, college communities, and college students, whether they choose to drink or not (from <http://www.collegedrinkingprevention.gov/>).

- **Death:**
 - 1,700 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes ([Hingson et al., 2005](#)).
- **Injury:**
 - 599,000 students between the ages of 18 and 24 are unintentionally injured under the influence of alcohol ([Hingson et al., 2005](#)).
 - Nearly 19% of students who drank alcohol reported being physically injured (ACHA, 2004).
- **Assault:**
 - More than 696,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking ([Hingson et al., 2005](#)).
 - In 41% of all violent crime experienced by college students, the offender was perceived to be under the influence of drugs and/or alcohol (ACHA *Campus Violence White Paper*, 2005). In approximately 45% of cases of intimate partner violence (IPV), men had been drinking, and in about 20% of the cases, women had been drinking. (Roizen, J., 1993, “Issues in the epidemiology of alcohol and violence.” In S. E. Martin (Ed.), *Alcohol and interpersonal violence: Fostering multidisciplinary perspectives*, pp. 3-36; NIAAA Research Monograph No. 24. Bethesda, MD: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism.)
 - As the consumption of alcohol by either the victim or perpetrator of IPV increases, the rate of serious injuries associated with IPV also increases Makepeace, J. M.,1988, “The severity of courtship violence and the effectiveness of individual precautions.” In G. T.

Hotaling, D. Finkelhor, J. T. Kirkpatrick, & M. A. Straus, eds., *Family abuse and its consequences. New directions in research*, pp. 297-311. Sage Publishers, London.)

- **Sexual Abuse:**
 - More than 97,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape ([Hingson et al., 2005](#)).
 - Alcohol and other drugs are frequently implicated in college sexual assault cases, as often as 55-74% of the time (Lisak, D., & Roth, S., 1990, “Motives and psychodynamics of self-reported, unincarcerated rapists.” *American Journal of Orthopsychiatry*. 60, 268-280).
 - Alcohol is a major factor in campus violence with students under the influence of alcohol or other drugs being involved in 71% of forced sexual touching incidents and 79% unwanted sexual intercourse (*ACHA Campus Violence White Paper*, 2005).
- **Unsafe Sex:**
 - Alcohol is a risk factor for engaging in unsafe sex. One study showed that 100,000 students between the ages of 18 and 24 reported “having been too intoxicated to know if they consented to having sex” ([Hingson et al., 2002](#)). Note: It is a crime in New Jersey to have sex with a person who is “mentally incapacitated.” (See *Summary of Applicable State Laws Regarding Drug Offenses and Penalties* in Appendix B: Applicable Local, State, and Federal Laws.)
- **Academic Problems:**
 - About 25 percent of college students report academic consequences of their drinking including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades overall ([Engs et al., 1996](#); [Presley et al., 1996a, 1996b](#); [Wechsler et al., 2002](#)).
- **Health Problems/Suicide Attempts:**
 - More than 150,000 students develop an alcohol-related health problem ([Hingson et al., 2002](#)).
 - Between 1.2 and 1.5 percent of students indicate that they tried to commit suicide within the past year due to drinking or drug use ([Presley et al., 1998](#)).
- **Drunk Driving:**
 - 2.1million students between the ages of 18 and 24 drove under the influence of alcohol last year ([Hingson et al., 2002](#)).
- **Vandalism:**
 - About 11 percent of college student drinkers report that they have damaged property while under the influence of alcohol ([Wechsler et al., 2002](#)).
- **Property Damage:**
 - More than 25 percent of administrators from schools with relatively low drinking levels and over 50 percent from schools with high drinking levels say their campuses have a "moderate" or "major" problem with alcohol-related property damage ([Wechsler et al., 1995](#)).
- **Police Involvement:**

- About 5 percent of 4-year college students are involved with the police or campus security as a result of their drinking ([Wechsler et al., 2002](#)).
- An estimated 110,000 students between the ages of 18 and 24 are arrested for an alcohol-related violation such as public drunkenness or driving under the influence ([Hingson et al., 2002](#)).
- **Alcohol Abuse and Dependence:**
 - 31 percent of college students met criteria for a diagnosis of alcohol abuse and 6 percent for a diagnosis of alcohol dependence in the past 12 months, according to questionnaire-based self-reports about their drinking ([Knight et al., 2002](#)).

Given these challenges, it is the intention of this policy to affirm the College's commitment to promoting the overall health and well-being of its students while respecting their rights and responsibilities in regards to their choices concerning the responsible and legal use of alcohol and other drugs. Therefore, in keeping with TCNJ's educational mission, and underscoring the importance of developing critical thinking skills, the following information is provided.

Risky Drinking Behaviors

For students who are over 21 years of age, consuming alcohol is a personal choice that has both positive and negative consequences for the individual.

Some drinking behaviors have been shown to result in more negative consequences. These behaviors include:

- Heavy drinking where Blood Alcohol Concentration (BAC) reaches .05 or higher
- Drinking and driving after consuming any amount of alcohol
- Drinking large amounts of alcohol in a short amount of time
- Drinking on an empty stomach
- Drinking beverages that include alcohol without alternating them with non-alcoholic beverages
- Drinking alone
- Drinking to relieve stress
- Participating in drinking games

Drinking large amounts of alcohol in a short amount of time is a dangerous practice that often leads to many negative consequences. Studies have shown that a “point of diminishing returns” exists with alcohol consumption. Once an individual’s BAC reaches this point (usually around .05), the risk of negative consequences begins to increase.

Ways to Reduce Risks Involved With Drinking

For individuals who are over 21 years of age and choose to drink, here are some ways to reduce the risks involved with alcohol consumption:

- Set a drinking limit near a BAC of .05
- Experiment with drinking less and refusing drinks

- Keep track of how much you drink
- Eat before and while you are drinking
- Be cautious when drinking liquor mixed with other drinks (it is hard to determine their exact potency)
- Alternate between alcohol and non-alcohol drinks
- Don't mix alcohol with non-alcoholic drinks that contain stimulants (such as Red Bull)
- Avoid drinking games
- Never leave your drink unattended
- Don't drink too much, too fast
- Space your drinks over time

If you are over 21, the choice of whether or not to drink is yours. Be knowledgeable about the consequences of drinking as well as the positive and negative effects of consuming alcohol.

Signs of Alcohol Poisoning

Alcohol poisoning is a serious—sometimes deadly—result of consuming dangerous amounts of alcohol. When your body absorbs too much alcohol, it can directly impact your central nervous system, slowing your breathing, heart rate, and gag reflex. This can lead to choking, coma, and even death. Alcohol poisoning most often occurs as a result of drinking too many alcoholic beverages over a short period of time. Binge drinking is a common cause of alcohol poisoning. Alcohol poisoning can also occur by drinking household products that contain ethyl alcohol (ethanol), or by ingesting isopropyl alcohol (isopropanol) or methyl alcohol (methanol; sometimes commonly referred to as wood alcohol).

Some of the common signs of alcohol poisoning include:

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|------------------------------|---|
| • Vomiting* | • Irregular heartbeat |
| • Seizures | • Low body temperature (hypothermia) |
| • Confusion | • Blue-colored skin |
| • Cold, clammy and pale skin | • Semi consciousness or unconsciousness |
| • Slow or shallow breathing | |

* **Note:** Vomiting is commonly considered an indication that an individual has simply had “too much to drink”; however, vomiting is often the first sign of a more serious physical reaction to alcohol.

See www.nationalalcoholcreeningday.org/infofaq/alcohol.aspx for an Alcohol Factsheet.

Signs of Drug Overdose

An overdose is when you take more than the normal or recommended amount of something, usually a drug. An overdose may result in serious, harmful symptoms or death. If you take too much of something on purpose, it is called an intentional or deliberate overdose. If the overdose happens by mistake, it is called an accidental overdose. For example, a young child may

accidentally take an adult's heart medication. (National Library of Medicine of the National Institutes of Health)

The symptoms of drug overdose differ depending on the amount, type, and combination of drugs taken, and may include confusion, vertigo, nausea, vomiting, delirium, and seizures. Other symptoms may include:

- Flushed skin
- Dilated pupils
- Inability to urinate
- Sleepiness
- Disorientation
- Impaired ability to think
- Irregular heartbeat
- High or low blood pressure
- Stupor, coma
- Convulsions
- Diarrhea
- Muscle weakness
- Slow or slurred speech
- Blurred vision
- Difficulty walking or standing
- Paranoia and other changes in behavior/mood
- Respiratory failure

Some drug overdoses cause the failure of major organs like the kidneys or liver, or failure of whole systems like the respiratory or circulatory systems. Patients who survive drug overdose may need kidney dialysis, kidney or liver transplant, or ongoing care as a result of heart failure, stroke, or coma. Death can occur in almost any drug overdose situation, particularly if treatment is not started immediately.

How to Call for Help for Self or Others

If a person is experiencing or exhibiting one or more of the symptoms of alcohol poisoning or drug overdose, **call 911 immediately** for emergency assistance. Acting quickly to get help can prevent other medical complications from occurring.

In non-emergency situations, the campus resources listed below can help.

Alcohol & Drug Education Program

Eickhoff Hall, Room 159

P) 609.771.2571

W) www.tcnj.edu/~sa/adeq/index.html

Anti-Violence Initiatives

Eickhoff Hall, Room 159

P) 609.771.2272

W) www.tcnj.edu/~sa/antiviolence/index.html

Campus Police

Administrative Services Building, Room 105

P) 609.771.2167

W) www.tcnj.edu/~tcnjpd/

Counseling and Psychological Services

Eickhoff Hall, Room 107

P) 609.771.2247

W) www.tcnj.edu/~sa/counseling/index.html

Residential Education and Housing

Eickhoff Hall, Room 114

P) 609.771.3455

W) www.tcnj.edu/~reslife/

Religious and Spiritual Life

P) 609.771.2614

W) www.tcnj.edu/~sa/ministries/index.html

Student Health Services

Eickhoff Hall, Room 107

P) 609.771.2483

W) www.tcnj.edu/~sa/health/index.html

Additional on-campus and off-campus alcohol and drug education and treatment resources can be found at:

- www.tcnj.edu/~sa/adept/groups.html; and
- www.tcnj.edu/~sa/adept/resources.html.

APPENDIX B: APPLICABLE LOCAL, STATE, AND FEDERAL LAWS

The College of New Jersey is bound by federal, state, and local laws governing the possession and consumption of alcohol on campus and at College-affiliated events off campus. In all cases, these laws take precedence over the Standards of Social and Behavioral Expectations and the College Guidelines.

Summary of Applicable Ewing Ordinances Regarding Alcohol Offenses and Penalties

Chapter 51- Alcoholic Beverages

1. 51-9A.1 Possession or Consumption of Alcoholic Beverages by Underage Persons on Private Property.

It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

2. 51-9A.2 Exceptions.

- a. It shall not be illegal for such underaged person to consume or possess an alcoholic beverage in connection with a religious observance, ceremony, or rite.
- b. It shall not be illegal for such underaged person to possess alcoholic beverages while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey.

3. 51-9A.3. Penalty

There shall be a fine of \$250.00 for a first offense, and \$350.00 for any subsequent offense.

Additionally, 51-9A.3 provides the court may suspend or postpone for six months the driving privilege of the Defendant.

If at the time of imposition of sentence the person has a valid New Jersey drivers license the court shall immediately collect the license and forward it to the Division of Motor Vehicles. If the person is convicted of operating motor vehicle during the period of license suspension or postponement, the person shall be subject to penalties set forth in N.J.S.A. 39:3-40, *et seq.*

4. Section 51-11. Consumption in public places prohibited.

- A. Public places and premises. No person shall consume or possess, in any open container, any alcoholic beverage in or upon any public place, including but not limited to any public street, road, highway, alley, sidewalk, mall, shopping center, park, playground, parking facility, parking lot or in or on the premises of any public building.
- B. Public or private vehicles. No person shall consume any alcoholic beverage in or upon any private vehicle of any type whatsoever, including but not limited to motor

vehicles, automobiles, equipment, motorcycles, mopeds, bicycles and campers, whether such vehicles are in motion or parked.

- C. Exceptions. Nothing herein prohibits the consumption of alcoholic beverages for anyone over the legal age on their private property or within a premises duly licensed for possession and consumption, or in any public place in connection with a recognized function for which express prior permission has been received in writing from the Municipal Clerk or the Superintendent of Recreation or a designee, pursuant to Section 158-1 of this Code.
- D. Violations and penalties. Any person found to be in violation of this section shall be subject to a fine not to exceed \$200 or imprisonment for not more than 90 days, or both.

Summary of Applicable State Laws Regarding Alcohol Offenses and Penalties

- 1. Legal Drinking Age
The legal drinking age in the State of New Jersey is twenty-one years of age. N.J.S.A. 9:17b-1

- 2. Regulation of Sales or Gifts
Title 33 of the New Jersey Statutes, specifically N.J.S.A. 33:1-1, et seq. and N.J.S.A. 33:1-2, et seq. make it unlawful to directly or indirectly sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission. "Sale" is construed to include admission charges, sale of cups, sale of tickets and/or acceptance of donations.

N.J.S.A. 2C:33-17 provides that anyone who purposely or knowingly offers or serves or makes available alcoholic beverage to a person under the legal age of consuming alcoholic beverages or entices that person to drink an alcoholic beverage is a disorderly person, except a parent or guardian of the under aged person if the alcoholic beverage is consumed for a religious observance, ceremony or rite.

- 3. Possession/Consumption Laws
N.J.S.A. 2C:33-15 provides for a minimum fine of \$500 for any person under the legal drinking age to possess or consume alcoholic beverages in any school, public conveyance or public place. If the offense is committed in a motor vehicle, it also carries a six-month driver's license suspension. In addition, a court may mandate participation in an alcohol education or treatment program.

N.J.S.A. 39:4-51a provides for a minimum \$200 fine for any operator or passenger in a motor vehicle found to be in possession of any open container of an alcoholic beverage, regardless of his/her age.

4. Purchase of Alcoholic Beverages
N.J.S.A. 33:1-81 makes it an offense, punishable by a minimum fine of \$500, and mandatory six-month driver's license suspension, for any person to enter licensed premises with intent to purchase alcoholic beverages for someone under the legal drinking age.
5. Transporting Alcoholic Beverages
N.J.S.A. 33:1-2 provides for serious penalties, (including the seizure and sale at auction of any motor vehicle involved) for any person who, without a transportation permit issued by the New Jersey State Alcoholic Beverage Control Commission transports, in an automobile within this state, the equivalent of more than five cases of beer or other malt beverages. Specific and lower gallon limits also apply for distilled liquors and wines.
6. False ID
N.J.S.A. 2C:21-2.1(d) provides a person who knowingly possesses a document or other writing which falsely purports to be a driver's license 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.
7. Transfer of ID
N.J.S.A. 33:1-81.7 provides anyone who is under aged and uses another person's ID card to obtain alcohol, or someone of legal age who gives his/her ID card to an under aged person so that he/she can obtain alcohol, faces a fine of up to \$300 or up to 60 days in jail.
8. Host/Hostess Liability Under the 1984 case of Kelly v. Gwinnell, 96 N.J. 538 (1984), 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.
9. Driving While Under the Influence of Intoxicating Liquor or Drugs
N.J.S.A. 39:4-50.14. Operation of Motor Vehicle with at Least 0.01, but Less than 0.08 Percent Blood Alcohol, by Person Under Legal Age to Purchase Alcohol; Penalties
Any person under the legal age to purchase alcoholic beverages who operates a motor vehicle with a blood alcohol concentration of 0.01 percent or more, but less than 0.10 percent, by weight of alcohol in their blood, shall forfeit their right to operate a motor vehicle over the highways of this State or shall be prohibited from obtaining a license to operate a motor vehicle in this State for a period of not less than thirty or more than ninety days beginning on the date they become eligible to obtain a license or on the day of conviction, whichever is later, and shall perform community service for a period of not less than fifteen or more than thirty days. In addition, the person shall satisfy the program and fee requirements of an Intoxicated Driver Resource Center or participate in a program of alcohol education and highway safety as prescribed by the Chief Administrator.

N.J.S.A. 39:4-50 et seq. provides for penalties for any person convicted of operating a motor vehicle anywhere within this State, on public or private property, while under the influence of an alcoholic beverage or any drug (including lawful drugs if the operator's ability to safely operate a motor vehicle is impaired thereby). Any person who permits another to operate a motor vehicle which that person owns or has custody or control over shall be subject to the same penalties.

10. Related Statutory Provisions

N.J. Motor Vehicle Law, Title 39, provides for a minimum penalty of \$500, ten days in jail, and a one to two year additional suspension for anyone convicted of driving while revoked if that revocation as for an alcohol related conviction.

N.J.S.A. 39:3-40 provides 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/her 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.

N.J.S.A. 39:4-50.4a provides refusal to take the breathalyzer test where there is probable cause for arrest for DWI will result in a 6-month loss of license, a fine of \$250-\$500, 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, he/she will suffer all of the additional fines and penalties specified for the DWI conviction.

Summary of Applicable State Laws Regarding Drug Offenses and Penalties

1. Sexual Assault

N.J.S.A. 2C:14-2(a)(7) provides that an actor is guilty of aggravated sexual assault if the actor commits an act of sexual penetration with another person when the victim is one that the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

2. 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.

3. 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.

4. Manufacturing, Distributing, or Dispensing

N.J.S.A. 2C:35-5 provides that such conduct results in imprisonment and fines.

5. 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.
6. **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.
 7. **Distribution to Persons Under Eighteen**
N.J.S.A. 2C:35-8 provides that such conduct carries twice the usual term of imprisonment, fines, and penalty.
 8. **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.
 9. **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.
 10. **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.
 10. **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.
 11. **Distribute, Dispense, Possess with Intent to, Narcotics Paraphernalia**
N.J.S.A. 2C:36-3 provides that such conduct is a fourth degree crime.
 12. **Advertise to Promote Sale of Narcotics Paraphernalia**
N.J.S.A. 2C:36-4 provides that such conduct is a fourth degree crime.
 13. **Delivering Paraphernalia to Person Under Eighteen Years**
N.J.S.A. 2C:36-5 provides that such conduct constitutes a third degree crime.
 14. **Possession or Distribution of Hypodermic Syringe**
N.J.S.A. 2C:36-6 provides that such conduct, except by authorized persons, constitutes a disorderly persons offense.

Federal Drug Offenses

The criminal offenses most commonly charged under the Federal Controlled Substances Act (www.fda.gov/opacom/laws/cntrlsub/ctlsbtoc.htm) are the knowing, intentional and unauthorized manufacture, distribution or dispensing of any controlled substance or the possession of any

controlled substance with the intent to manufacture, distribute or dispense. Federal law also prohibits the knowing, intentional and unauthorized creation, distribution, dispensing or possession with the intent to distribute or dispense a "counterfeit substance." Simple possession without necessarily an intent to distribute is also forbidden by Federal law and carries a penalty of imprisonment. Attempts and/or conspiracies to distribute or possess with intent to distribute a controlled substance are crimes under Federal law.

Specific drug crimes that may carry greater penalties include the following:

- The distribution of narcotics to persons under 21;
- The distribution or manufacturing of narcotics near schools and colleges; and
- The employment of juveniles under the age of 18 in drug trafficking operations.

The penalties for violating Federal narcotics statutes vary. The penalties may be more severe based upon two principal factors:

- The type of drug involved; and
- The quantity of the drug involved.

With the exception of simple possession charges which result in up to one year imprisonment, maximum penalties for narcotic violations range from 20 years to life in prison. Certain violations carry mandatory minimum prison sentences of either five years or ten years. Harsher penalties will be imposed if a firearm is used in the commission of a drug offense. If a drug offense results in death or serious bodily injury to an individual who uses the drug involved, the penalties are harsher.

APPENDIX C: ADDITIONAL RESOURCES, CONTACTS, AND RELATED WEBSITES

College Drinking – Changing the Culture: www.collegedrinkingprevention.gov/

This website was created by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) as a one-stop resource for comprehensive research-based information on issues related to alcohol abuse and binge drinking among college students.

College Drinking Research:

[Magnitude of Alcohol-Related Mortality and Morbidity among U.S. College Students Ages 18-24](#)  [Download Adobe PDF version](#)

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Harvard School of Public Health College Alcohol Study: www.hsph.harvard.edu/cas/

The Harvard School of Public Health College Alcohol Study (CAS) is an ongoing survey of over 14,000 students at 120 four-year colleges in 40 states. The schools and students selected for the study provide a nationally representative sample. The CAS examines key issues in college alcohol abuse, including heavy drinking on college campuses, the role of fraternities and sororities and athletics, the relationship of state alcohol control measures and college policies to this behavior, and the role that easy access to alcohol and low prices play. The study also provides a continuing look at other high risk behaviors among college students including tobacco and illicit drug use, unsafe sex, violence and other behavioral, social, and health problems confronting today's American college students.

U.S. Department of Education's Center for Alcohol and Other Drug Use and Violence Prevention: www.higheredcenter.org/

The Higher Education Center's purpose is to help college and community leaders develop, implement, and evaluate programs and policies to reduce student problems related to alcohol and other drug use and interpersonal violence. The Center favors a comprehensive approach to prevention. Central to this approach is a mix of environmental management strategies to address the institutional, community, and public policy factors that contribute to these problems. The Center supports the development of a prevention infrastructure, primarily by facilitating the work of statewide prevention initiatives and campus-community coalitions. The Center provides trainings, technical assistance, and publications to support these efforts. The Center also promotes innovative program development to improve student education, campus-based media campaigns (including social norms campaigns), early intervention, treatment, and recovery strategies, and enforcement.

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